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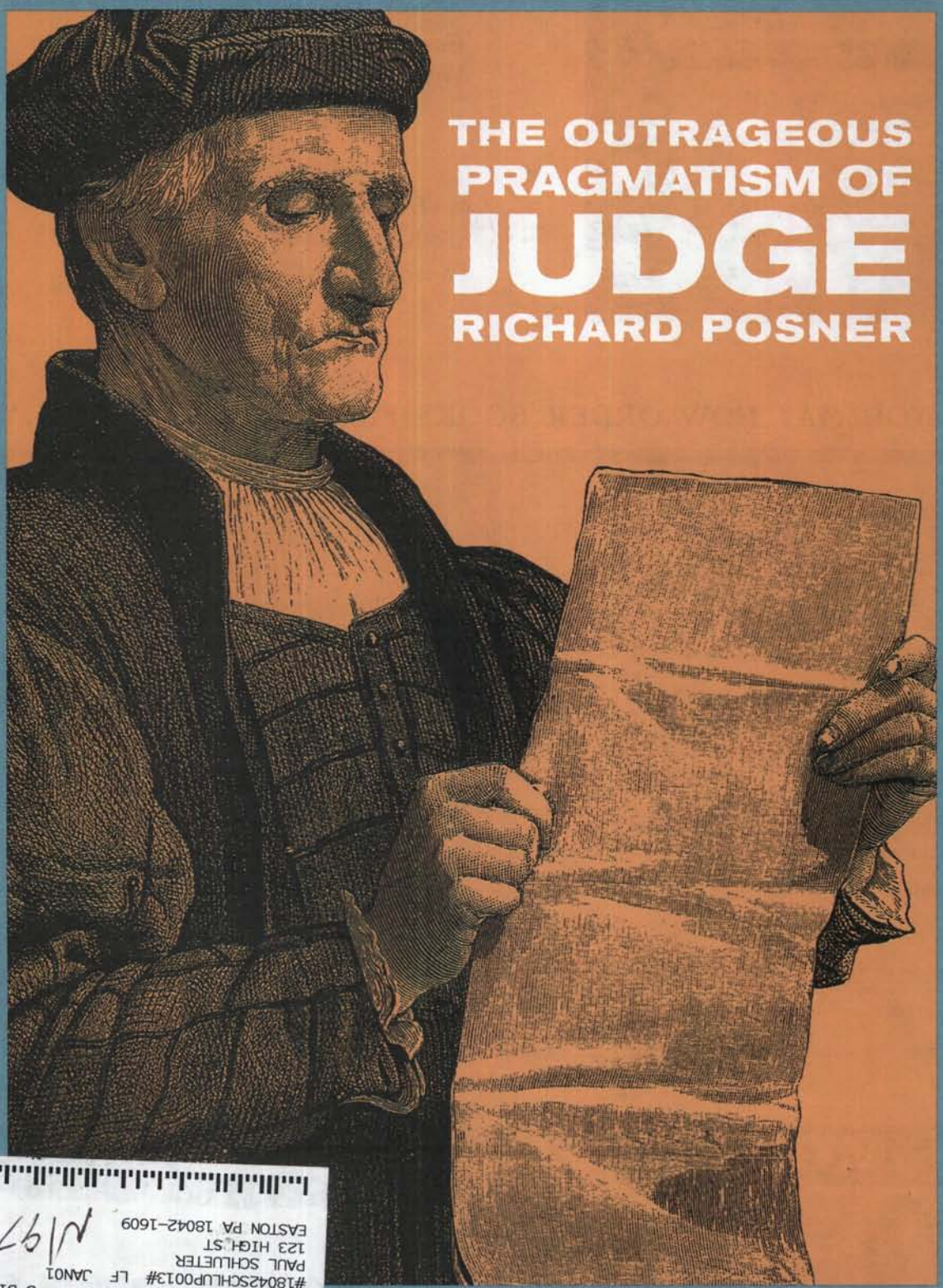

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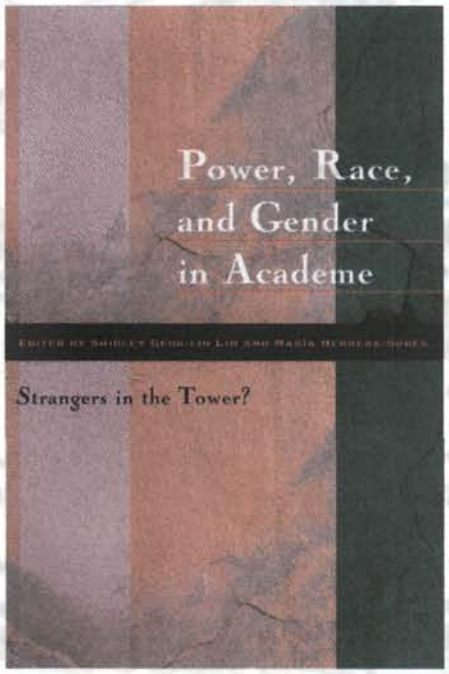

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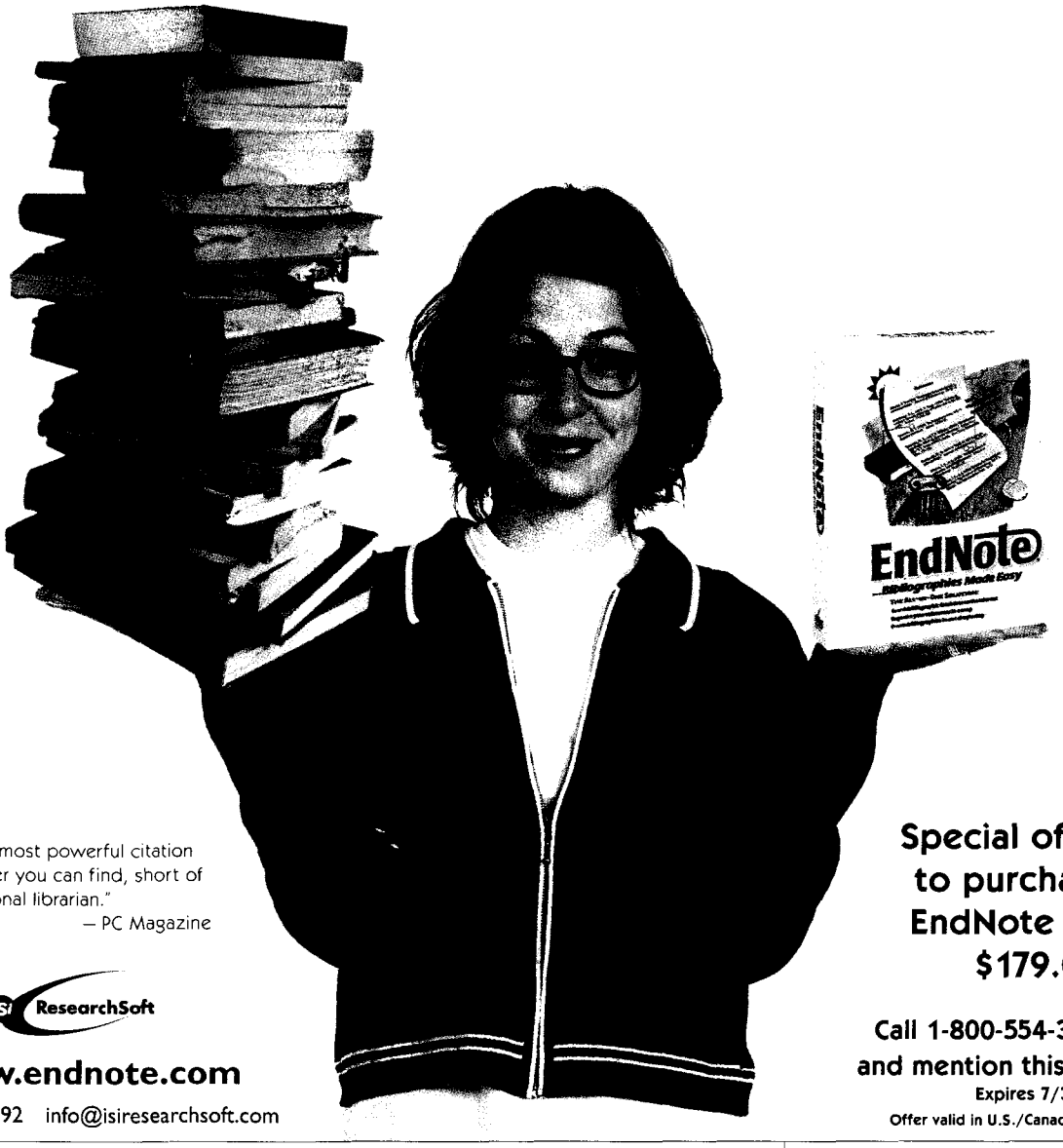

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Table of Contents

FEATURES

26 THE OUTRAGEOUS PRAGMATISM OF JUDGE RICHARD POSNER
The most omnivorous and unpredictable legal thinker in America is a judge. Richard Posner rules for nude dancing, in favor of wealth, and against moral philosophy.
BY JAMES RYERSON

36 THE ICEMAN MELTETH
Ötzi has been dead five thousand years and out of the glacier for nine. But his real story has just begun to thaw. Was he chased out of his Copper Age tribe, or did he just have a bad hike?
BY BRENDA FOWLER

46 THE SHOSTAKOVICH VARIATIONS
The composer dedicated a symphony to the October revolution but denounced Stalin in his memoirs. Unfortunately, the memoirs may not be his.
BY PAUL MITCHINSON

57 A FAREWELL TO ESPERANTO?
One conjugation, one definite article, one world, one language. No gender, and almost no declensions. A Bialystok ophthalmologist's dream for global peace.
BY HAL COHEN

LINGUA FRANCA: *A mixed language or jargon used in the Levant, consisting largely of Italian words deprived of their inflexions. Also* transf. *Any mixed jargon formed as a medium of intercourse between people speaking different languages.* Fig. *1870* LOWELL, Among my bks. *Ser. I. 170* "*What concern have we with the shades of dialect in Homer or Theocritus, provided they speak the spiritual* lingua franca *that abolishes all alienage of race?*"

DEPARTMENTS

5 LETTERS TO THE EDITOR

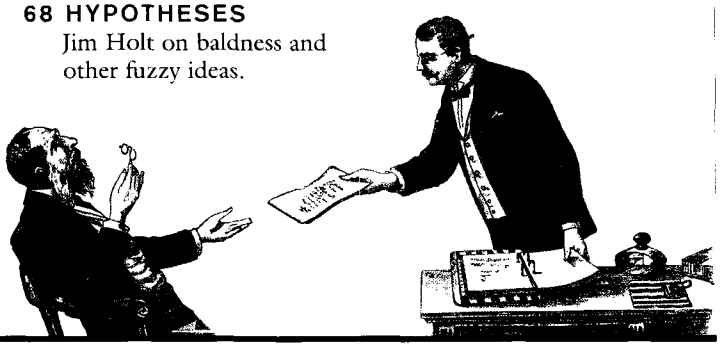
6 FIELD NOTES
The disacknowledgments/Prehistoric roots/Jacques Lacan does New York, and more

14 BREAKTHROUGH BOOKS
Neglected poetry

17 INSIDE PUBLISHING
Merde!/Sagittarius rising/The New Left's favorite Nazi, and more

67 CONFERENCES

68 HYPOTHESES
Jim Holt on baldness and other fuzzy ideas.



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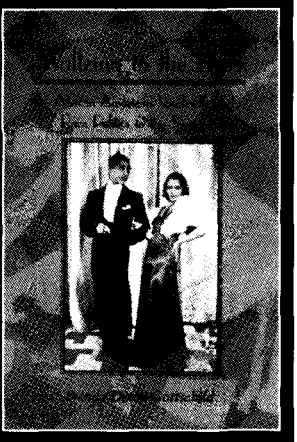

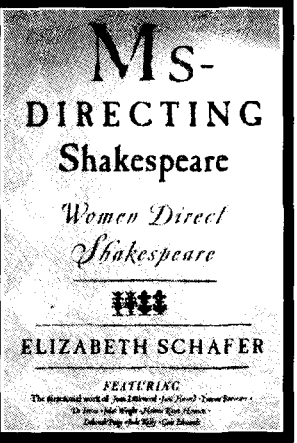

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GUN PLAY

The arguments of Garry Wills and Michael Bellesiles against the individual-rights view of the Second Amendment seem contradictory ["Showdown," February]. Wills's big complaint seems to be that law-review articles aren't peer reviewed, even though his own writings on the Second Amendment have appeared in *The New York Review of Books* and in popularly published volumes, not in peer-reviewed journals. (At any rate, the authors of the articles that Wills dislikes—people of the stature of Laurence Tribe, William Van Alstyne, and Sanford Levinson—are certainly the ones who would be doing peer review were such the custom in legal scholarship.)

Bellesiles's views are equally odd. Even assuming that he is right about the relatively low level of gun ownership in Colonial times, it is unclear whether this tells us anything about the Second Amendment. After all, scholars like Jane Mansbridge and Michael Schudson point out that the percentage of eligible voters participating in town meetings during Colonial times was similarly small: Schudson says that in Concord, Massachusetts, town-meeting participation averaged 42 percent, while as few as 15 to 25 percent of adult male Bostonians bothered to vote. One hopes that Bellesiles would not argue that this low participation rate means that the framers of the Constitution did not believe in a right to vote.

Our present Constitution treats both voting and arms bearing as fundamental. The challenge now—as Benjamin Franklin famously predicted—will be to keep to the principles of freedom that the framers established, despite the revisionist efforts of Wills and Bellesiles.

GLENN HARLAN REYNOLDS
Professor of Law
University of Tennessee-Knoxville

FILM FEELING

Alissa Quart's essay on David Bordwell ["The Insider," March] is overall a fine account of the work of a most remarkable film scholar and his position within film studies. I was happy to be quoted in the piece, but nonetheless I'd like to correct certain inaccuracies. Quart writes that rather than "plumb films for their ideological or emotional undercurrents, cognitivists like...Carl Plantinga...start from the premise that the viewer is a physiological and cognitive system, hardwired to respond to visual cues in particular ways." With respect to my work, this is incorrect on two counts.

First, I do examine films for their ideological and emotional undercurrents, as a book I co-edited with Greg M. Smith, *Passionate Views: Film, Cognition, and Emotion*, makes clear. This book features the work of twelve scholars sympathetic to cognitivism, all of whom write about those emotional undercurrents Quart says I ignore. As a quick perusal of recent publications will attest, many cognitivists in film studies have an abiding interest in film-elicited emotion and in moral and ideological concerns.

Second, cognitivists come in many varieties, which is why we often call cognitivism an approach rather than a theory. Those who find cognitivism useful are not necessarily materialists or determinists. We do not all regard the film viewer as a "physiological and cognitive system," or an information processor without freedom of choice and impervious to the influences of culture and gender. In fact, although many cognitivists tend to emphasize universally human traits, cognitive theories can enable us to understand how culture and gender differences can influence emotional responses to films, for example. Cognitivism and cultural studies need not be opponents.

CARL PLANTINGA
Associate Professor of Film
Hollins University

In her article on David Bordwell, Alissa Quart states that "to this day, no Ivy League school has a stand-alone film department." While this is no doubt correct, an article ostensibly concerned with the direction of the field as a whole might have mentioned the Committee on Cinema and Media Studies at the University of Chicago, although it is deliberately *not* a freestanding unit. In 1998, the university established the degree-granting committee, which is now in its second year of admitting students into its Ph.D. program while also maintain-

continued on page 65

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Field Notes

THANKS FOR NOTHING

ON A BRIGHT MORNING LAST June, Chris Brown stepped into the cool of the UC-Santa Barbara library clutching his master's thesis: seventy-three pages on the growth of abalone shells. His thesis committee had signed off on his work, and it was now bound for the silent grave of the archives. Brown would not continue into the doctoral program. It was the last day of his graduate career—or so it seemed.

CHRIS BROWN

There was only one problem: Brown had appended an unusual two-page statement to his thesis, a dramatic *j'accuse!* both profane and hilarious, and aggressively specific in its grievances. "I would like to offer special Disacknowledgments to the following degenerates," Brown railed, "for being an ever-present hindrance during my graduate career." The dean and the staff of the Graduate Division, he wrote, were "fascists...the largest argument against higher education there has ever been." All dealings with the administration, he complained, "have ended in sheer frustration. I'd rather take a hot stick in the eye than deal with your bureaucratic nonsense."

The Davidson Library was a morass of "incomprehensible fines, unwillingness to help and general poor attitude"; Professor Fred Wudl was cited for "arrogance and proclivity at being an ass"; former California governor Pete Wilson was lambasted as "a supreme government jerk who has personally overseen the demise of the university." The University of California regents panel was cursed for "continued suppression of graduate students, your most loyal employees.... May your continually biased and corrupt practices be fraught with continued controversies brought upon by the students who you offer a fatuous disservice."

As a final flourish, Brown denounced science itself "for being a hollow specter of what you should be": "Your vapid conceits have rendered those in your pursuit lifeless, unfeeling zombies. If I can forever escape you, the better I will be."

Famous last words. Not only has Brown failed to escape the gravitational tug of UCSB's material-science department, he remains in the orbit of the very administration he despises. Soon after he deposited his thesis, a library assistant spotted the two pages of disacknowledgments and sent them to the dean, who called Brown's thesis committee to check that everything was aboveboard. It wasn't. The committee members were incensed that Brown had added his angry words to the thesis after they had signed off on it; only if he removed the pages would they approve the work so he could receive his degree. Brown refused—eventually allying with the Foundation for Individual Rights in Education (FIRE) and mounting an elaborate Web site, www.disacknowledged.org.

Legal threats have blossomed on both sides. High-profile civil-liberties lawyer Harvey Silverglate, a director of FIRE and the co-author of *The Shadow University: The Betrayal of Liberty on America's Campuses,* argued in a letter to the university that it had a constitutional duty to grant Brown his degree: "These are sacred obligations that transcend your dislike of Mr. Brown's political opinions and criticisms." Thor Halvorssen, executive director of FIRE, terms Brown's situation "a slam-dunk First Amendment case."

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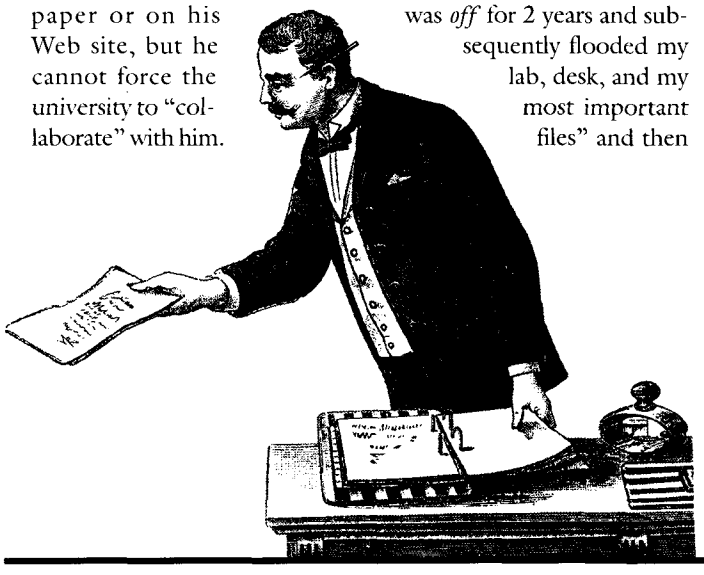
Is Brown tilting at windmills, fighting the good fight—or engaging in some bizarre amalgam of both? "There are two different issues here," argues Brown. "There's what I wrote, my complaints. And then there's the whole concept of academic freedom." His initial impulse, he concedes, was a desire for catharsis—"I'm certain it was written with a great deal of frustration," he notes with an odd detachment. But in Brown's eyes, the administration's response converted his prank into a crusade for freedom of expression. "They were like, 'Let's silence him! Let's discipline him!'" he says. "'Write a letter of apology and remove these pages, or you don't get the degree!' That has *nothing* to do with my science."

"I've told Chris many times that I really want him to get his degree," responds Charles Li, the dean of UCSB's Graduate Division. "But this is not a free-speech issue." Brown, he argues, can print anything he likes in the newspaper or on his Web site, but he cannot force the university to "collaborate" with him.



A master's thesis, Li maintains, is a form of publication—and publishing Brown's accusations could potentially expose the university to claims of libel. Moreover, he argues, a thesis committee has the absolute right to approve a student's work from cover to cover, up to and including the acknowledgments page.

Nonsense, says Brown. However dramatic their rhetoric, the disacknowledgments are merely his opinions. What's more, he points out, students regularly put personal notes into such documents—without administrative repercussions. He cites one thesis in the UCSB archives in which the author singled out "the inept facilities management monkey who raised the cooling water pressure" and "the dumb ass who left his cooling water *on* for a laser that was *off* for 2 years and subsequently flooded my lab, desk, and my most important files" and then suggested that their "lifeless, bloated, limb-less bodies" should wash to shore and "be picked clean by seabirds and maggots."

Brown believes the administration is refusing to grant his degree in a fit of pique. But why bother pressing the matter? Why not just remove the pages and move on? "There's a serious issue here!" Brown insists. "I can't just walk away." A former Austin, Texas, scenester (he worked with *Slacker* director Richard Linklater and befriended *Beavis and Butthead* creator Mike Judge), Brown claims he went back to school to "bring my knowledge to the next level." Instead, he says, he found himself learning more from co-workers than professors. The administration blocked him from dropping a biology class after the deadline, despite his professor's assurances that he could do so. And in classic graduate student fashion, he began to bubble over with rancorous disillusionment—working sixteen-hour days, never leaving the lab, hashing away at a seemingly endless project. The disacknowledgments may have started as a nasty joke, but in the wake of their exposure, Brown appears to have attempted an act of alchemy: transforming bile into chicken soup for the constitutional soul.

> In his "Disacknowledgments," Brown refers to his dean as a "fascist" and a professor as an "ass."

He's not finding allies where he might have expected them, however. UCSB Academic Freedom Committee member Constance Penley—a film scholar who teaches a popular course in pornography—says that in her view, Brown's case "trivializes" the cause of academic freedom. "I think it's very unfair to try to deceive people into endorsing your speech," she notes, adding that Brown "lost all credibility" by trying to sneak the disacknowledgments into the library behind his committee's back.

Are there any professors who take a more favorable view of Brown's maneuver? Well, there's at least one—Fred Wudl, the very man vilified in the disacknowledgments as an "ass." Brown never studied with Wudl, but his ex-girlfriend and several friends did. According to Brown, the professor regularly reduced students to tears. When reached by *Lingua Franca,* Wudl claimed to be unfamiliar with the controversy. But upon hearing Brown's characterization, he was nonplussed: "I've survived other evaluations of my character," he noted dryly, adding that, "occasionally, graduate students do cry." As for Brown's academic status? "I'd give him the damn master's, get him out of there!" he exclaimed. "It's his document, it's his creation, he can use it for anything. So what?" Wudl wouldn't be surprised, he added, if other students had quoted from the Kama Sutra. "The acknowledgment section," he pointed out, "is a very personal thing."

EMILY NUSSBAUM

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"FUN IS THE MASTODON"

THIS SPRING, THE LIBRARY OF AMERICA ISSUES ITS AUTHORITATIVE collection of twentieth-century American poetry (the first half, anyway). Happily, Anne Knish and Emanuel Morgan have made the cut. In 1916, Morgan pioneered a new poetic ideal, Spectrism, which, as Knish explained in their manifesto, "indicates our feeling that the theme of a poem is to be regarded as a prism, upon which the colorless white light of infinite existence falls and is broken up into glowing, beautiful, and intelligible hues."

Knish also admitted to "a tinge of humor." In fact, the duo wrote lines like "I will have golden cups and poppy curtains!" (Knish) and "Then you came—like a scream / Of beeves" (Morgan) to mock the modernist fad for schools and manifestos, Amy Lowell's Imagism in particular. (William Jay Smith's *The Spectra Hoax*, reissued by Story Line Press, tells the tale.) The hoaxers wrought somewhat better than they knew: Both Knish, whose real name was Arthur Davison Ficke, and Morgan, better known as Witter Bynner, are now canonized on acid-free paper.

"Asparagus is feathery and tall, / And the hose lies rotting by the garden wall," wrote Morgan in "Opus 15." As Lowell tartly observed, after the Spectrists' cover was blown, "The only question is whose hose."

EVOLUTION'S HOT POTATO

CONSIDER THE LOWLY TUBER: not much to look at, tough to clean, a pain to peel. It does make some nice comfort food and goes well with steak. But could this unassuming vegetable—or whatever it is—actually be a linchpin of human evolution? Could the spud have spurred the development of big brains and small teeth in early hominids, not to mention the first human "marriages"?

Five anthropologists laid all this and more at the door of the tuber in the December issue of *Current Anthropology*. Richard Wrangham, a professor at Harvard who specializes in chimpanzee behavior, David Pilbeam, a Harvard colleague who studies human evolution, and three junior scholars claim that when protohumans hit their evolutionary growth spurt 1.9 million years ago, it was because they had learned how to cook "underground storage organs" found in the savanna—basically, African potatoes.

Current Anthropology published the paper alongside responses that ranged from the

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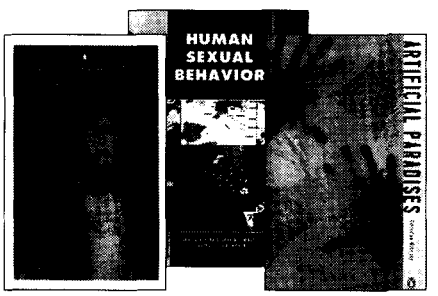

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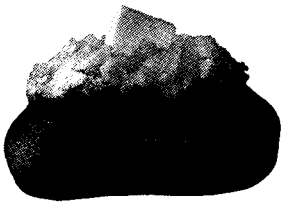
Could the lowly spud have spurred the development of big brains, smaller teeth, and human marriage? Two leading evolutionists think so.



provisionally intrigued to the derisive. But perhaps Henry Bunn, an anthropologist at the University of Wisconsin, best summed up the worries of biological anthropologists when he asked: "Is the cooked-tuber story science, or is it half-baked wishful thinking?"

Scholars have long wondered how the big-toothed, medium-brained early *Homo* metamorphosed into *Homo erectus*, the first recognizable human. Charles Darwin thought hunting was the answer. In the 1960s, paleoanthropologists such as Sherwood Washburn and C.S. Lancaster built on that thesis, developing a scenario known as "Man the Hunter." The need to track herds and cooperate with other hunters, the theory went, would have encouraged selection for intelligence.

Almost as soon as the Man the Hunter idea was unveiled, however, there was a backlash. In the subsequent "Woman the Gatherer" counter-thesis, feminist researchers argued that big-game hunting was a high-risk, low-reward activity. Women, they contended, were more likely to have supplied early humans with most of their protein through such unheralded activities as killing lizards and digging up roots. Today, the most widely accepted explanation for the jump from early *Homo* to *Homo erectus* sidesteps gender altogether, holding simply that the consumption of meat, which carries concentrated amounts of energy, was the key.

Wrangham, the co-author of *Demonic Males* (Houghton Mifflin, 1997), and his colleagues argue that the meat thesis is a tad underdone. For one thing, tools and evidence of cut animal bones enter the fossil record 2.5 to 2.3 million years ago, but *Homo erectus* didn't stand up until 1.9 million years ago. Cross-species comparisons also cast doubt on the importance of meat: Carnivorous breeds of chimpanzees aren't much different from their vegetarian cousins.

If the missing link isn't meat, though, why presume it's potatoes? Here the paper gets more speculative. Tubers are widespread in the African savanna; hunter-gatherers in Africa today rely on them. Since these roots require fairly arduous digging, the anthropologists surmise, other mammals would not have offered much competition to early humans. Certain tools preserved in the fossil record, moreover, could well have served as tuber-scoopers.

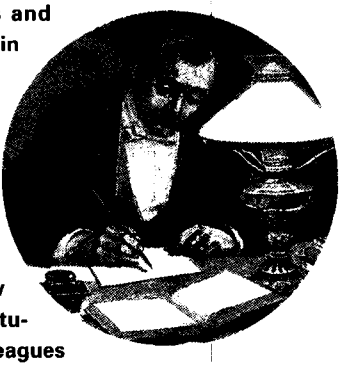
In the article's key maneuver, the authors argue that the onset of cooking—specifically, cooking tubers—would have provided the boost in nutrients that scholars have long chalked up to meat eating. Potato starch goes down hard when it's raw, but when cooked it's easily digested. You would expect cooking, Wrangham and friends say, to enlarge and improve the diet—finally resulting in bigger brains, smaller teeth, and a slimmer gut. Voilà: precisely the changes that occurred 1.9 million years ago.

But wait. The authors add still more evolutionary conjecture to the pot: Tasty and ready to go, cooked food would have been vulnerable to theft. Women would face particular risk that their prepared food would be stolen, since men were, on average, stronger. Given their strength advantage, game theory suggests males would quickly give up cooking in favor of pilfering. Females would therefore form alliances with men, who would guard their hearths. Sex would be the bodyguard's payment. This chain of events would have led to the first pair-bonds. Long-term pair-bonding would in turn reduce male-male competition, leading the size gap between males and females to shrink—another change seen in the record at the right time.

To some scholars, all of this sounds reasonable. Kristen Hawkes, chair of the anthropology department at the University of Utah, calls the paper "exciting." The traditional arguments stressing the importance of meat, she says, "are due for a serious revision." Ralph Rowlett of the University of Missouri, who has been studying an early *Homo* campsite in Kenya, wrote in *Current Anthropology* that his dates for the control of fire jibe with the Wrangham thesis. He plans to expand his research project to include a search for cooked biomaterial.

THE END OF AN IDYLL

IN HIS NEW COLLECTION, *AVAILABLE LIGHT: ANTHROPOLOGICAL Reflections on Philosophical Topics* (Princeton), the seventy-three-year-old anthropologist Clifford Geertz describes his "charmed" life as a professor and contrasts it with the dim prospects facing younger scholars. "Is such a life and such a career available now?" he asks. "It is difficult to be certain.... Tenure is harder to get...and the process has become so extended as to exhaust the energies and dampen the ambitions of those caught up in it. Teaching loads are heavier; students are less well prepared; administrators, imagining themselves CEOs, are absorbed with efficiency and the bottom line. Scholarship is thinned and merchandized, and flung into hyperspace....



"I do not know how much of this is accurate.... All I know is that, up until just a few years ago, I blithely, and perhaps a bit fatuously, used to tell students and younger colleagues who asked how to get ahead in our odd occupation that they should stay loose, take risks, resist the cleared path, avoid careerism, go their own way, and that if they did so, if they kept at it and remained alert, optimistic, and loyal to the truth, my experience was that they could get away with murder, could do as they wish, have a valuable life, and nonetheless prosper. I don't do that anymore."

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Other anthropologists, however, almost fell off their chairs when they read the article. "I don't understand why scholars who are so talented went to the trouble to write this paper," says Katharine Milton of the department of environmental science, policy, and management at Berkeley. "It's so implausible." Just for starters, she asks why cooked tubers would be any more attractive to thieves than raw ones. What's more, mashing raw tubers makes them almost as digestible as cooking does.

Craig Stanford, an anthropologist at the University of Southern California, says the paper's logic is strikingly circumstantial. "Whereas we have literally a ton of evidence of meat eating—the cut marks on fossilized bones make it very clear that early hominids were scavenging or hunting meat—there is no evidence that early hominids ate tubers, ever," he says. Finally, other theories of the advent of cooking abound: One pegs it at 200,000 or 300,000 years ago, when humankind spread into the colder parts of Europe. In a region where meat quickly froze, humans would have needed to control fire in order to defrost their dinners.

> Bunn calls the potato theory a "warmed over" version of 1970s thinking, "served up" as a new dish.

The University of Michigan's C. Loring Brace, the author of the latter theory, was especially withering in his assessment of the article. In the first draft of his response, he included a parodic summary of the new theory, in the voice of Rudyard Kipling: "In the earliest times of our world, O Best Beloved, our primitive progenitors did not know the art of making their food either tasty or digestible...." The editors snipped that bit out.

"We don't have a fossil of an *Australopithecine* with a root in its mouth," Wrangham concedes. But he insists that the *Current Anthropology* thesis fits the environmental and fossil record better than the meat-eating alternative and that its evolutionary logic is more rigorous. "There is no equivalent paper to this one, for meat eating, that lays out a series of arguments for why meat should have been important and what kind of impact it can have been expected to have."

Wrangham's paper may spark more research, but it has already inspired endless wordplay. Milton wrote in her commentary: "*Demonic Males* seems to have spawned demonic meals, leading to a good case of indigestion!" Bunn called the theory a "warmed over" version of 1970s thinking, "served up" as a new dish. He also foisted this monstrosity onto the journal's unsuspecting subscribers: "With due apologies to the Beatles, 'Lucy at the Campfire with Tubers' is not going to sell."

Stanford and Wrangham, who are friends, already have an idea of what a synthesis of the conventional wisdom and the new notion might be called: the meat and potatoes of evolution.

Somebody, make them stop.

CHRISTOPHER SHEA

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LACAN IN NEW YORK

WHEN PSYCHOANALYTIC SPHINX Jacques Lacan published *Écrits* in 1966, it was a landmark event in postwar intellectual history. The French-language first edition is a collector's item, fetching suitably monumental prices. But this spring, it raised the eyebrows of bibliophiles to find a stained and heavily used copy offered online for twenty-five hundred dollars. Its selling point? An inscription, in French, by Lacan himself—to Paul Newman.

Not *(hélas!)* the actor and salad-dressing king. According to the catalog from Lame Duck Books—a rare-book store in Boston—Newman was a French professor at Sarah Lawrence who served as Lacan's guide and interpreter during a 1975 visit to New York. "Hilarious adventures ensued," the copywriter reports, "fueled by Lacan's conviction that his fame had been spread to every middlesex, village, and farm of the Great Republic; a delusion his attendants left unexasperated [*sic*] by telling the gullible staffs of sundry institutions that Lacan was Jean-Paul Sartre—always adding that one of the great man's eccentricities was a wish never to be addressed by name...."

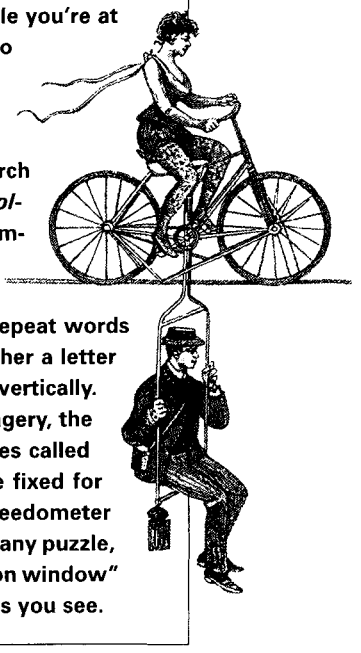
Elizabeth Roudinesco's biography *Jacques Lacan* corroborates at least part of the tale: Newman did escort Lacan around New York, with Columbia graduate student Pamela Tytell. But it was Tytell who came up with the Sartre ruse, while arranging a private tour of the Metropolitan Opera. (It was a close call when somebody asked how Simone de Beauvoir was doing.)

The visit ended with Lacan none the wiser. His inscription, dated December 2, 1975, reads: "À Paul Newman, Qui m'a fait voir New York et m'a prouvé qu'il m'entendait mieux que personne" (To Paul Newman, Who showed me New York and proved to me that he understood me better than anyone). Though the price tag may seem a bit steep, John Wronoski, the owner of Lame Duck, reports he had no trouble unloading another *Écrits* inscribed by Lacan, this one to the linguist Roman Jakobson—for thirty-five hundred dollars. As for the Newman edition, Lame Duck notes: "We leave it to posterity to determine whether the inscription is sarcastic or psychotic."

SCOTT MCLEMEE

When Jacques Lacan visited New York City in 1975, his guides introduced him to locals as Jean-Paul Sartre.

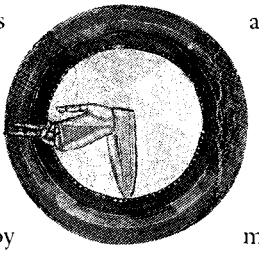
DON'T THINK AND DRIVE



BEHIND THE WHEEL, YOU SHOULD JUST SAY NO TO BEER, recreational drugs, and cell phones. And while you're at it, lay off those brain teasers. According to Miguel A. Recarte of Madrid's Universidad Complutense and Luis M. Nunes of Spain's Dirección General de Tráfico, thinking and driving don't mix. As they explain in the March issue of *The Journal of Experimental Psychology: Applied*, Recarte and Nunes assigned simple mental tasks to twelve drivers while a video camera monitored their eye movements. For example, drivers were asked to repeat words beginning with a given letter or to say whether a letter of the alphabet looked the same when flipped vertically. While completing tasks involving spatial imagery, the drivers suffered from what Recarte and Nunes called "an eye freezing effect": Their gaze became fixed for longer intervals, and they glanced at the speedometer and rearview mirror less often. While solving any puzzle, verbal or spatial, the drivers' "visual inspection window" shrank. The more you think, it seems, the less you see.

GOD, SCIENCE, & BOB

DO THEOLOGIANS AND SCIentists have anything to say to each other? Not according to Robert Park, the outspoken author of the American Physical Society's weekly newsletter, *What's New?* "Science and religion gain information in different ways," says Park. "One by research, and one by revelation. I don't see much purpose in a 'dialogue.'"



***HAND OF GOD* (SPAIN 1123)**

Park and several of his fellow physicists would like to shut down the Dialogue on Science, Ethics, and Religion, a program run by the American Association for the Advancement of Science (AAAS). In a December letter, the officers of the AAAS's physics section denounced the program as "distinctly at odds with the AAAS's mission to advance science." They accused the Dialogue of promoting "a narrow viewpoint that reflects sectarian preferences" and cited "possible conflict-of-interest issues" involving the John Templeton Foundation, a nonprofit that promotes public discussion of religion and ethics. In February, the physicists voiced their concerns at the AAAS's annual council meeting.

Audrey Chapman, the director of the Dialogue, replies that the physicists' complaints are "ideologically motivated." She adds: "A small group of individuals have made a very personal commitment to

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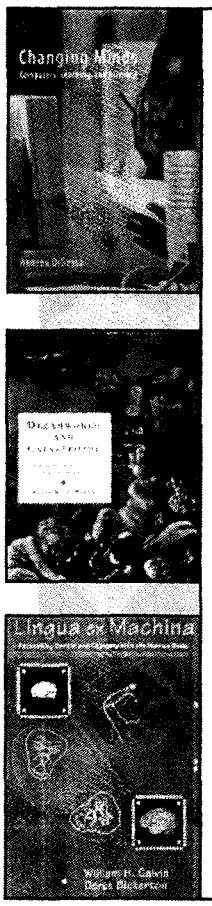
undermine the program."

The Dialogue on Science, Ethics, and Religion began in 1995. Since then, it has published books, including *An Evolving Dialogue: Scientific, Historical, and Theological Perspectives on Evolution* (1998) and *Perspectives on Genetic Patenting: Religion, Science, and Industry in Dialogue* (1999). It has also funded research on the ethics of human germ-line intervention, coordinated symposia on topics ranging from primatology to cosmology, and pitted combative atheists against deity-friendly scientists and theologians in a series of public debates. Participants have included such name-brand speakers as the Harvard biologist E.O. Wilson and the Nobel-laureate physicist Steven Weinberg. At an April 1999 conference on "Cosmic Questions," Weinberg, an atheist, declared that the laws of nature were "cold and impersonal." His interlocutor, John Polkinghorne, a retired University of Cambridge physicist and ordained Anglican priest, countered that the world is "shot through with signs of mind." *The New York Times*, the *Los Angeles Times*, and *Science* picked up the story, and Weinberg's presentation was soon adapted into a long essay in *The New York Review of Books*.

But the publicity has not pleased everyone. The AAAS physics section worries that the Dialogue's high-profile conferences give religion a scientific legitimacy it shouldn't have. "People see prominent physicists debating these questions," argues former physics-section secretary Rolf Sinclair, "and assume that they are important issues in contemporary physics. That's simply not the case." Although Weinberg was happy to debate Polkinghorne, an old friend of his, he has come to a similar conclusion. "All this activity creates a flurry of illusion that science and religion are finding common ground," Weinberg says. "In fact, I think nothing in particular is happening." Moreover, concern isn't restricted to atheists. The physics section's chair, Eugen Merzbacher, a Unitarian, says he'd "rather have scientists speak as scientists and theologians speak as theologians."

Others worry that the Dialogue compromises the AAAS's mission. "I have nothing against a dialogue between science and religion," says former physics section chair Hans Frauenfelder, "but it should take place outside the AAAS, which has a clear mission statement that has nothing to do with religion." But defenders of the Dialogue note that the AAAS also sponsors programs on jurisprudence and human rights. How is religion different?

One difference the physicists point to is the Dialogue's connection to the controversial Templeton Foundation. Founded by the multimillionaire financier Sir John Templeton in 1987, the foundation spends about $20 million a year on efforts to promote the marriage of science and religion—including the annual Templeton Prize for Progress in Religion, which awarded $948,000 to the physicist Freeman J. Dyson in March, and up to $1 million a year for religion-and-science classes at major universities. Over the last five years, Templeton has given a total of $1.1 million to support the AAAS Dialogue.



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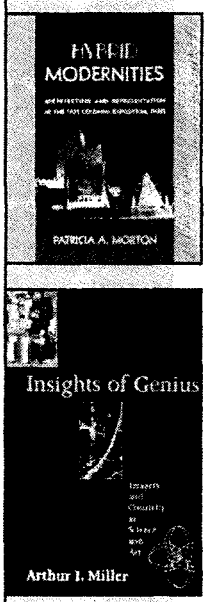

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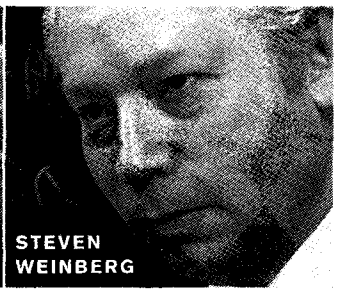
STEVEN WEINBERG

Two of the Dialogue's most notable speakers—the physicist Joel Primack and the astronomer Owen Gingerich—have ties to the Templeton Foundation. In the early 1990s, the foundation gave Primack and UC-Santa Cruz a ten-thousand-dollar award for a science-and-religion course he taught. Gingerich, a professor at Harvard who believes God can be seen in the orderly working of the universe, is on the Templeton Foundation's board of advisers (though on leave this year). "Talk about conflict of interest," says an exasperated Sinclair.

But Dialogue director Chapman claims there is "very little overlap between the two organizations' advisory bodies." Of the twenty-one people on the Dialogue's advisory committee, only two currently sit on the Templeton Foundation's board of advisers. She also points out that the National Institutes of Health, the Smithsonian Institution, the Greenwall Foundation and others have together contributed $950,000 to the program, a sum that nearly matches the $1.1 million given by the Templeton Foundation. "I don't see the role of the Templeton Foundation as different from any of the program's other funders," says Chapman. "The only advice we've ever received from Templeton was to put together the strongest, best projects we can."

> Physicists in the AAAS believe that talking about religion lends it too much credibility.

At the AAAS council, the physicists did not call for a vote, and the Dialogue seems safe for now. Board chairman Stephen Jay Gould has personally endorsed the program, citing "broad support in the AAAS for a dialogue between science and religion." Nonetheless, in his recent book *Rocks of Ages: Science and Religion in the Fullness of Life* (Ballantine), Gould insists that the line between discussion and proselytizing must be maintained. While *Rocks of Ages* calls for a respectful conversation between science and religion, Gould is no advocate of outright reconciliation. On this point at least, he would probably agree with his colleague Weinberg, who says that "One of the greatest achievements of science has been, if not to make it impossible for intelligent people to be religious, then at least to make it possible for them not to be religious. We should not retreat from this accomplishment."

JASON SHOLL

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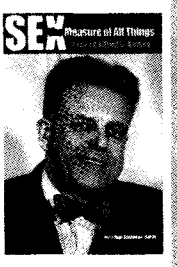

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Breakthrough Books

NEGLECTED POETRY

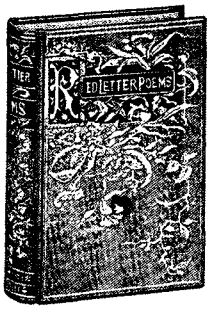
WE ASKED SEVEN CRITICS AND POETS TO WRITE ABOUT THEIR FAVORITE UNSUNG POETS.

Eliot Weinberger, translator, editor, essayist, and author of *Karmic Traces* (New Directions, forthcoming).

"In the largely underground world of poetry, the most obscure workers are the translators, and the most obscure translators are those who work with classical texts, beyond the familiar epics. Two of the best of these secret revivifiers are **Peter Cole** and **David Hinton**. Cole has taken the medieval Hebrew poets of Spain and transformed them in lively and resonant American speech, in the tradition of Ezra Pound and Paul Blackburn. Thanks to his ***Selected Poems of Shmuel HaNagid*** (Princeton, 1995) and his forthcoming ***Selected Poems of Solomon Ibn Gabirol*** (Princeton, 2000), those of us who don't know Hebrew can, for the first time, hear why HaNagid and Ibn Gabirol have been revered for centuries. Meanwhile, Hinton's ambitious project of retranslating the classic Chinese poets has resulted in volumes of Li Po, Tu Fu, Meng Chiao, and T'ao Ch'ien that range from superb to masterpiece. Hinton attempts to reflect the density of the classical language without resorting, as others have, to a telegraphic English. His latest is ***Selected Poems of Po Chü-i*** (New Directions, 1999)."

Heather McHugh, writer-in-residence at the University of Washington and author of *The Father of the Predicaments* (New England/Wesleyan, 1999).

"**Jack Gilbert** and **Frederick Seidel** are underrepresented in the anthologies and attentions of contemporary editors. Gilbert's characteristic poem is a short, deceptively modest narrative, free of all but the barest rhetorical ornament: Its profundity arises from its status as a kind of parable. His latest book, ***The Great Fires*** (Knopf, 1996), is only his third. Seidel, the author of ***My Tokyo*** (Farrar, Straus & Giroux, 1994), writes an elegant, sometimes downright misanthropic plaint. But one disposition they share may condemn them to be under-loved, I fear, in an era that fancies itself particularly gender-tender: These poets don't pull their punches in accounts of encounters with women. Theirs are conspicuously male slants on matters of sexual engagement. As a woman, and more precisely as a woman alert to every stripe of lyric fire, I find myself more moved by Seidel's brutal, excruciated 'Recessional' or Gilbert's wooden 'Michiko Dead' than by any of a thousand more conventional mournings. Their works deserve more celebration than they get."



Peter Gizzi, a poet who teaches at the University of California at Santa Cruz and author of *Artificial Heart* (Burning Deck, 1998).

"The idea of unsung poets could easily run to volumes, but two books that immediately come to mind are **Robin Blaser's** ***The Holy Forest*** (Coach House, 1993) and **J.H. Prynne's** ***Poems*** (Bloodaxe, 1999). Both are about four hundred pages long and reveal a life's work. As the language of Blaser's book unfolds, his early orphic, private poems gradually open into an increasingly public, crowded, and fragile art that redefines the power and intellectual intimacy of eros. Prynne draws on the vocabularies of physics, economics, and geology; the verbal play in these poems is by turns elegiac, demotic, intimate, and expansive."

Mary Jo Bang, poetry co-editor of *Boston Review* and author of *Apology for Want* (New England/Middlebury, 1997).

"**Bill Knott** is a meld between Gerard Manley Hopkins and MTV, producing poems with the former's violent beauty and the latter's largely ironic postmodern presence. Knott is difficult to categorize—a sometimes spirited social satirist, a sometimes rueful confessionalist, a sometimes lyric lover dishing up oddly syntaxed sweet-nothing fricatives to a beloved. He is frequently wryly self-effacing and always wonderfully strange. He never has been and surely never will be a poster boy for any one of poetry's pluralist factions so much as a formidable poet

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recording his idiosyncratic views—the story slants in twisted lines and tangled neologisms: 'For years those held-in tears froze / mammoth this moan-shrine, fused this / unknown heart, core, coronary / you've grown toward. It creaks and carries / down like a cloud your own death near.' Except for his self-published editions, xeroxed and enclosed in card stock stapled at the center, his books are few and far between, so ***The Quicken Tree*** (BOA Editions, 1995) is a particularly important addition to the oeuvre. Fortunately, another volume, titled ***Laugh at the End of the World: Collected Comic Poems, 1969–1999*** (BOA), is scheduled for release in May."

Bonnie Costello, professor of English at Boston University and author of *Elizabeth Bishop: Questions of Mastery* (Harvard, 1991).

"'If you go back far enough in my family tree there are birds,' begins **Susan Mitchell** in her new volume, ***Erotikon*** (HarperCollins, 2000). And you don't have to go back very far. This poet *sings*, and while her debt to the Western lyric tradition is great, she has a voice all her own, at once archaic and colloquial, quirky and eloquent. Her 1992 volume, ***Rapture*** (HarperTrade), was similarly populated by birds—not Romantic skylarks but those living among us, like Chaucerian *fowles* and Whitmanian thrushes, a nightingale from Chekhov, not from Keats, birds 'with a taste for chlorine,' willing to whet their gorges in a human (and artificial) element. In *Rapture*, ecstasy comes not from soaring but from entering and breaking apart language, history, the body, to find surreal beauty and uncanny music in a dark world. *Erotikon* is less burdened with history and more whimsical. Mitchell scans the braille of the body for new sensation, thrilling in the erotic play of language. The long poem 'Bird: A Memoir' warbles wildly, the manifold self flittering between phonemes in modern English, Middle English, Latin, and German. ('Flagellum and flageolet,' 'scrannel and scratch,' *'forswonk, forswatt.'*) If history has stepped aside in *Erotikon*, myth and allegory have taken its place as structures for articulating the zigzag path of desire."

Kalliopi Nikolopoulou, assistant professor of English and comparative literature at Hobart and William Smith Colleges who is working on a manuscript titled "Reading the Disaster: The Ethics of Negativity in the Poetry of Paul Valéry and Paul Celan."

"For a long time now, poetry has been thought of as a distant land, and poetry in translation seems to legitimize even further our unwillingness to take the trip. Richard Sieburth's recent annotated translation of **Gérard de Nerval's** ***Selected Writings*** (Penguin Classics, 1999) makes the journey worthwhile. The first of its kind for Nerval, the volume allows access to a multivalent and haunting figure of French letters who, despite the lyric tone he infused in all the genres he tried—drama, novella, travelogue, memoir, and poetry—insisted on effacing himself as a poet. What's interesting about this translation is that Sieburth renders Nerval's sonnets, *The Chimeras*, into prose poetry. Sieburth's justification—true to the subtlest of translator's tasks—is to preserve the foreignness of the poet, to show that even without faithfulness to technique, an ingenious text shines through its translation. Sparing Nerval the artificiality that Baudelaire, for instance, suffers from translators who try to mimic his form, Sieburth does justice to the poet by also 'translating' his quasi-ironic self-description as a prosaic writer. In the United States, Nerval was introduced by postcolonial criticism because of his Orientalist travelogues. This translation and its meditative commentary expand his imaginative spectrum and find in his visionary, German-bent Romanticism the nineteenth century's own Zarathustra."

Stephen Burt, poet and author of *Popular Music* (Colorado, 1999).

"More good poets than ever now write about motherhood, domestic responsibility, and the violently mixed feelings that can accompany them. **Laura Kasischke's** ***Fire and Flower*** (Alice James Books, 1998) handles these earthly subjects adeptly even while making visionary leaps. Growing up in Kasischke's Michigan—and raising a child there—can feel either smotheringly restrictive or dangerously protean: 'even / the tadpoles in the muddy pond / imitate stars and swans / as they fume themselves into frogs.' Balancing the quotidian with the estranging, fluent sentences with tumbling stanzas, and tenderness with anger, Kasischke shows as superb a feel for bravura enjambments as for single details. Poems plummet into apparent melodrama, pull out of it, and then pull off (like stunt fliers)—maneuvers that depend on those perilous dives. Kasischke can recall James Wright, Randall Jarrell, or Jorie Graham, but she resembles none for long. Volatile, sometimes shocking, and seamless, her poems greet, tame, or confront 'a box of baby pigs'; golf in hell; home confectionery; fifth grade; an ominous lettuce; 'the hot- / washcloth stars that fall / when an infant turns, bawling'; the trials of puberty, medicine, and marriage; Barney the dinosaur, 'swallowing / the sorrow of children'; and a guest who tells the grown-up poet, "I'm / here to ruin your party, Laura," and he does.'"

JOHN PALATTELLA

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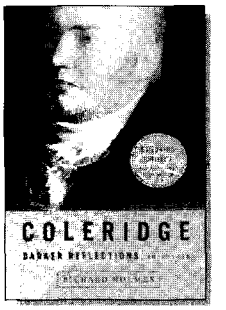

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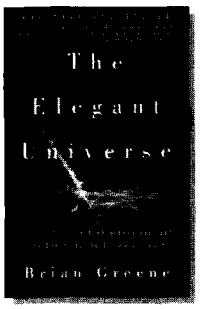

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DUST HAPPENS

IN 1539, FRANCIS I DECREED THAT THE KINGDOM of France would no longer administer justice in Latin: Judges were to use their pure native French instead. Later the same year, the king ordered Parisians, who were accustomed to flinging their ordure into the street, "to delay and retain any and all stagnant and sullied waters and urines inside the confines of your homes."

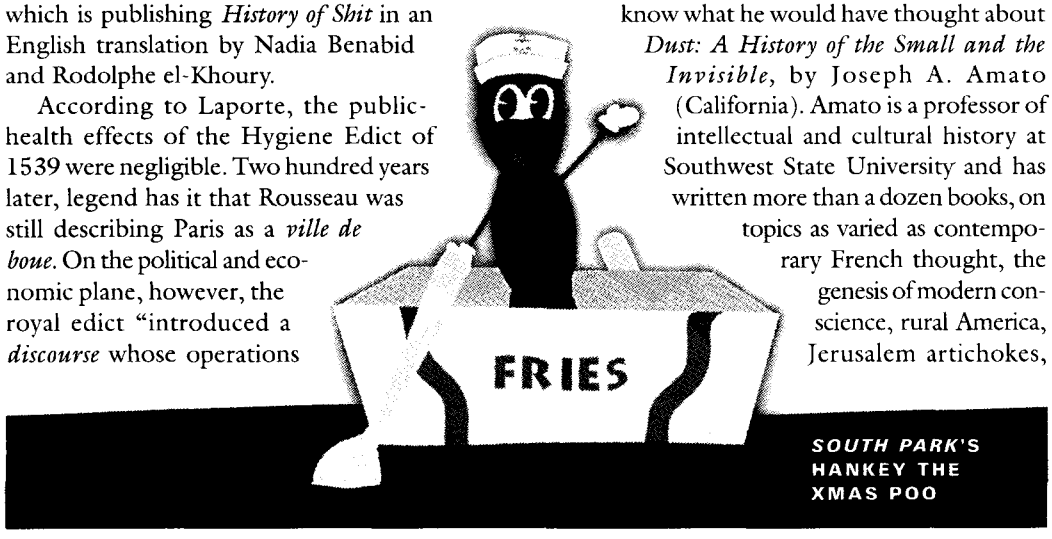
Was there any link between these two seemingly unconnected pronunciamentos? In 1978, the Marxist scholar Dominique Laporte intuited one in his serious but hilarious *Histoire de la merde: Prologue,* which credited "the peculiar organization of knowledge that was the Renaissance" to the "politics of shit." Laporte had already detailed the king's war against dialect in an earlier book. In *Histoire de la merde,* he concerned himself with the king's war against excreta. Both fights, he believed, were motivated by similar impulses: to police the individual and to extend the power of the state. In June, Laporte's intriguing blend of post-structuralism and scatology comes to America, courtesy of MIT Press, which is publishing *History of Shit* in an English translation by Nadia Benabid and Rodolphe el-Khoury.

According to Laporte, the public-health effects of the Hygiene Edict of 1539 were negligible. Two hundred years later, legend has it that Rousseau was still describing Paris as a *ville de boue.* On the political and economic plane, however, the royal edict "introduced a *discourse* whose operations took hold." After the Renaissance, the aggressive policing of ordure was justified in France by appeals to "cleanliness, order, and beauty." According to Freud, these are the three requirements of civilization. But just replace "civilization" with "the State," Laporte argues, and one begins to understand that "totalitarianism simply involves (indeed, is predicated on) the relegation of shit to the private realm."

Laporte's book offers memorable details about the disinfecting of cesspools, the use of "stercorary fluid" as a beauty product, and the aesthetic similarities between privies and tombs. But it also offers a sweeping historical thesis: In order for Renaissance France to transform itself into a capitalist society and a centralized nation-state, it had to encourage accumulation while simultaneously making accumulation shameful. The French had to be forced to "do their business" in private—*le privé* designates both the private realm and the water closet—so that the state could "clean up," purifying accumulated money through tax collection, much the way it carried (newly privatized) bodily waste away through its sewers.

In a Foucauldian move, Laporte argues that this new solicitude for the private realm did not limit the power of the state but expanded it. "Surely, the State is the Sewer," Laporte concludes. "We see proof of this in the fact that the more it institutionalizes Freud's triad, the more totalitarian it becomes."

Laporte died in 1984, at the age of thirty-five. This is a pity, not least because we'll never know what he would have thought about *Dust: A History of the Small and the Invisible,* by Joseph A. Amato (California). Amato is a professor of intellectual and cultural history at Southwest State University and has written more than a dozen books, on topics as varied as contemporary French thought, the genesis of modern conscience, rural America, Jerusalem artichokes,



SOUTH PARK'S HANKEY THE XMAS POO

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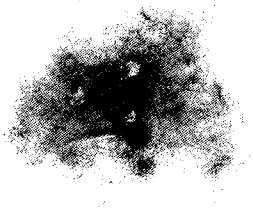
and golf. *Dust* seems at first to be a straightforward, maybe even dry, treatise. It aspires, modestly enough, to remind us that dust was once "humanity's primary gauge of smallness." But it manages to be a stranger read than Laporte's intentionally bizarre history of shit.

Amato's scope is broad, ranging across everything from early-medieval attempts to grasp the unseen to the mid-twentieth-century invention of dust-repellent household surfaces. He can be oddly lyrical about dust, which is said to form "the ceaseless tides of the becoming and dissolution of things." But his book is, in fact, a jeremiad. It deplores the fall in prestige of "the microscopic stuff that flows around the islands of perceptible and palpable objects." For untold centuries, dust was esteemed as the barrier between the visible and the invisible. It was a reminder of "the infinite granularity of all things, [our] own selves and meanings included," writes Amato. (In the Book of Genesis, "For dust thou art, and unto dust shalt thou return" is no metaphor.) But now that order, sanitation, and cleanliness have been secured and science has discerned that dust is composed of discrete microscopic entities, dust qua dust "has been swept...to the margins of contemporary consciousness."



Amato laments that "dust has been swept...to the margins of contemporary consciousness."

Can dust receive its due? At times, Amato sounds like a 1960s Marvel Comics supervillain in exile, dreaming of glory and revenge. He laments that "dust as an element cannot claim the glory of light, the subtlety of air, the solidity of earth, or the vitality of water, even though it envelops galaxies, circles planets, and hides in the bedrooms of kings and queens." Elsewhere, however, Amato resembles an enlightened member of the hygiene police. He applauds a nineteenth-century Parisian law that required wastewater to go into sewers ("tout à l'égout!" replaced "tout à la rue!"). This is Laporte's turf, but Amato is not on Laporte's side. Amato likes dust, but he likes sanitation too. "The good depends more on pumps and pipes than on moral preaching," he writes. Although he laments the contemporary neglect of dust, Amato is just as sorry that we no longer regard as heroes the sanitarians, hygienists, and "legions of others who once fought dust with the full accolades of an era that took itself to be locked in a life-and-death struggle against it." Rarely has a historian been so frank about his love-hate relationship to his subject.

It's more common for commentators on detritus to take sides. After the Brooklyn Museum of Art displayed a controversial painting of the Virgin Mary that featured elephant dung, New York City mayor Rudy Giuliani stated, "I would ask people to step back and think about civilization. Civilization has been about trying to find the right place to put excrement." The historians of dust and shit couldn't have said it any better.

JOSHUA GLENN

LEADERSHIP SECRETS OF MOSES

FROM 63 B.C.E. TO 1948 C.E., THE JEWS WERE perpetual political outsiders, forced to pay Caesar's taxes and serve in the czar's army. Without a nation-state to govern or princes of their own to resist, Jewish thinkers had little occasion to develop an authoritative political philosophy.

That changed, of course, with the founding of Israel in 1948. Since Israel's creation, Jews have had to confront questions such as how to rule over Gentiles and how to reconcile traditional Judaism with more secular varieties. To date, the political-theory void has been filled largely by the *responsa,* or rulings, of Orthodox rabbis. Michael Walzer and his colleagues hope to change that. Walzer, a professor of social science at Princeton's Institute for Advanced Study and co-editor of *Dissent* magazine, is overseeing *The Jewish Political Tradition,* a four-volume series that collects ancient texts and modern commentary. Not merely a work of scholarship, the series, which Yale University Press is launching this spring, aspires to become a crucial part of the Jewish scriptural tradition it discusses.

"The point of our series," says Walzer, "is to deny the Orthodox monopoly on these questions." In 1983, when Walzer went to Israel to research *Exodus and Revolution,* his study of how the flight from Egypt shaped the Western political tradition, the state of Jewish political philosophy left him distinctly unimpressed. "At the time, the Orthodox were issuing *responsa* on how to get a sandwich out of a tank"—presumably without violating kosher laws—"but not on whom you could kill or not kill."

The first volume in the series addresses the problem of authority, both human and divine. Future volumes will discuss membership ("Who is a Jew?"), community, and politics in history. Walzer selected passages for the anthology during

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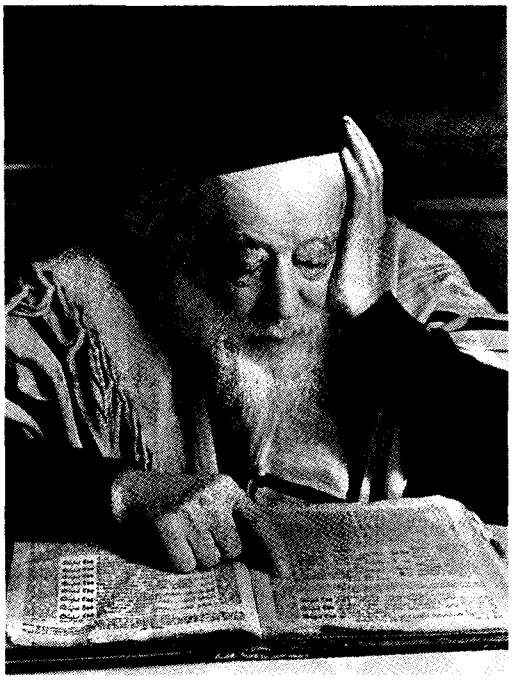
extensive consultations with his Israeli co-editors, Menachem Lorberbaum (a philosopher at Tel Aviv University), Noam J. Zohar (a philosopher at Bar Ilan University), and Yair Lorberbaum (a lecturer in law at Bar Ilan). Their choice of texts is eclectic. Ancient sources such as the Torah, the Talmud, and rabbinic *responsa* are juxtaposed with commentaries by living scholars, including the communitarian political theorist Michael Sandel and the philosopher Hilary Putnam, an ex-Maoist who is now a practicing Orthodox Jew. The legitimacy of the Israelites' consent to the commandments, the necessity of kings, the tension between submitting to the will of God and interpreting his Word: Each of these themes appears.



Ancient and medieval rabbis, the devout Maimonides and the heretic Spinoza, Zionists and anti-Zionists, the resolutely secular chief justice of Israel and critics of the Jewish state—all have their say.

By design, the debate between these authors is lively. As the Mishnah, the Jewish legal code, notes, "Every controversy which is for the sake of heaven will endure." Yeshiva University's David Shatz remarks that the rabbis who compiled the Mishnah showed a respect for dissent that is extraordinary. "Talmudic sources," he says, "push so hard to legitimate [dissenting] views that they place them on a par with the accepted one as regards legal cogency—and perhaps even as regards truth." In other words, the sages often intentionally undermined confidence in their own conclusions—and God's. Walzer pushes the point further: "Perhaps [the Talmudic sages] thought about God what Walt Whitman thought about himself: 'I am large; I contain multitudes.'"

Walzer's team has tried to locate cultural resources for a Whitmanesque pluralism within the Jewish tradition. The editors have taken pains to show that even the antique minutiae that rabbis once quibbled over may help to guide Jews in a high-tech, militarized, democratic state. A section titled "Talmudic Foundations" reprints a Mishnaic ruling that ordered people who live outside a town but face one of the town's courtyards to share in the cost of building "an antechamber and door for the courtyard." According to another ruling, one may temporarily "take manure out and pile it in the public domain," but one may not store it in public. Apparently trivial issues like these, the editors argue, constitute "the first steps toward a code of public law."

Walzer met Menachem Lorberbaum at Hebrew University in the spring of 1983; he met the other two editors that summer at the Shalom Hartman Institute in Jerusalem. The Hartman Institute is a *beit midrash*, or academy, founded twenty-five years ago by Rabbi David Hartman as a halfway house for Jewish intellectuals too religious for Israel's secular universities but too inquisitive for the ultraorthodox yeshivas. "The guys who began it were mostly Orthodox *and* critical," says Zohar, a founding member of the institute. "We wanted to bring to Judaism a range of questions grounded in our modern sensibility—as twentieth-century people living in Israel, committed to modernity and democracy."

In 1983, Hartman began to sponsor an annual weeklong seminar for American, English, and Israeli intellectuals to read and discuss the Talmud, philosophy, and politics. "The supposition of the seminar was that it's possible to engage these texts without a yeshiva education or a lifetime of training," Walzer says. Walzer, Michael Sandel, and Hebrew University's Moshe Halbertal attended the seminar's first meeting, which took place at an "appealingly ramshackle resort on a lake in the Laurentian Mountains in Canada," according to Sandel. They discussed the Talmud in the morning and more recent Jewish philosophy (from the medieval Maimonides to the twentieth century's Emmanuel Levinas) in the afternoon. In the evening, they argued about Israeli politics. Like many of the participants, Walzer could not always read the Talmud in the original, but after two years of "Talmud Camp," he felt strongly that the texts they were studying should be available to nonacademics. He circulated a memo to elicit support for a one-volume anthology; fifteen years later, the project has quadrupled in size.

MICHAEL WALZER

According to the Jewish legal code, "every controversy which is for the sake of heaven will endure."

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Sandel, a professor of government at Harvard, says the project's main ambition is to give the Jewish political tradition a place in university curricula alongside its Christian, Greek, English, and American counterparts. But he is excited by the prospect of a new "canon of Jewish political thought" that can "compete with the right-wing Orthodox interpretations coming out of Israel." All the contributors to the volume are Jews (though the editors have no rule on the matter), and the editors are seeking money for an Israeli edition of the series, with the annotations and essays in Hebrew. Although the Diaspora was once associated with a decline of Jewish political philosophy, it now seems—thanks to commentators recruited from the Ivy League, Canada, and Oxford—to be participating in its revival.

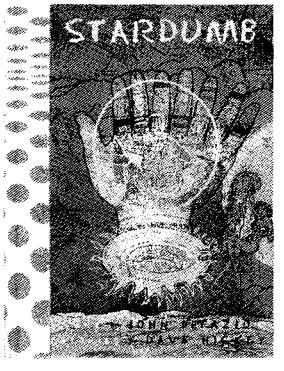
MARK OPPENHEIMER

PROFESSOR BEAUTY'S REAL ASTROLOGY

IN 1997, MAVERICK ART CRITIC DAVE HICKEY published *Air Guitar: Essays on Art & Democracy* (Art issues Press), a collection of cultural criticism steeped in autobiography. With its embrace of pop artifacts (*Perry Mason,* Liberace, Las Vegas) and denunciation of art-world institutions—as well as a vervy writing style that owes a lot to the author's long-ago stint in rock journalism—*Air Guitar* sold more than twenty thousand copies, a substantial number for a small-press book about art.

In his latest book, art critic Dave Hickey employs a cutting-edge critical method: astrology.

After Hickey championed Norman Rockwell in November's *Vanity Fair,* his bona fides as an against-the-grain intellectual were sealed. *U.S. News and World Report* dubbed him "Aristotle in the land of the slot machine." Now Hickey has capitalized on this momentum by writing *Stardumb* (Artspace Books), an eighty-eight-page book of quasi-fictional art-world vignettes informed by that most cutting-edge of theoretical models, astrology.



COURTESY OF ART SPACE

If it seems an unexpected move, that makes it all the more characteristic of Hickey, who has been an art gallery operator, an editor at *Art in America,* and a Nashville songwriter (he performed with Janis Joplin). Today, he is a professor of art criticism and theory at the University of Nevada at Las Vegas. But that's hardly made him cautious: He has raised eyebrows and hackles by attacking the art world's institutional elite—museum curators, foundation directors, theorists—as a secular priesthood that has fostered dour, academic art under the pretext that it's good for us. Their real motive, Hickey charges, is to ensure themselves a steady flow of public funding. "I feel betrayed by our cultural institutions because they aren't giving me any joy," Hickey told one interviewer. As an alternative, he advocates a free-market system that would reward beauty, a virtue he defines in his 1993 book, *The Invisible Dragon,* as "the agency that cause[s] visual pleasure in the beholder." As examples, Hickey cites the "hard, smart, beautiful art" of Robert Mapplethorpe, Ed Ruscha, and Andy Warhol.

Given this colorfully checkered background, perhaps a curiosity like *Stardumb* shouldn't come as a surprise. The book is composed of twelve short stories titled after the signs of the zodiac, each paired with a multilayered drawing by New York City artist John deFazio, whose idea the book was. "Neither of us is interested in astrology on a day-to-day basis," deFazio says. "We don't have our charts read. The 'dumb' in *Stardumb* is the operative word. It's a cynical take."

"I originally intended to write these little astrological advice things," Hickey says by cell phone from a small casino ("my hideout") in Las Vegas. Instead, he settled on a quirkier formal device: Riffing on the personality archetypes attributed to each sign (Cancer is protective, interior...), Hickey created (largely) fictional art-world characters and built short narratives or sketches around them.

"I was trying to keep as broad a spectrum of art-world types as I could," he says. His characters include a pair of collectors who care more about their party invitations than their empty marriage ("Taurus"); a "dangerous academic revolutionary" who looks like *Love Story*'s Ali McGraw thirty years later ("Virgo"); a surfer-turned-artist-turned-guru ("Leo"); and a might-have-been artist who justifies cheating on restaurant bills by telling himself it's performance art ("Libra"). The tales shift in mood from breezy burlesque to bitter critique to acute melancholy.

"You get the feeling he's drawing on people he's met in the art world," deFazio says. And indeed, one of the pleasures for those intimate with the art establishment will be trying to divine

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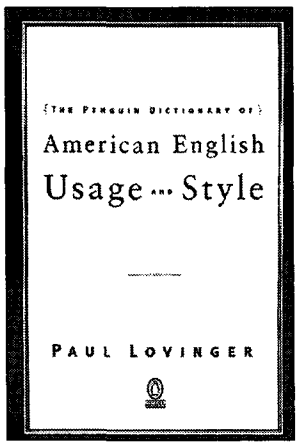

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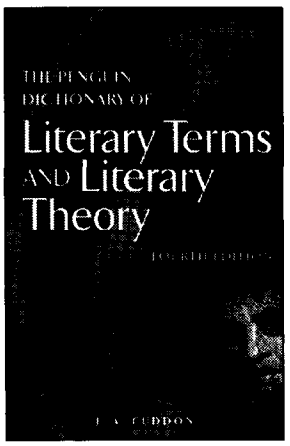

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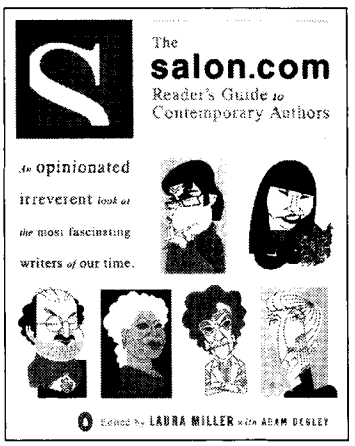

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Art-world insiders will try to identify the real figures behind Hickey's characters.

whether real figures lurk beneath the characters. The gallery owner exulting in her own sales moxie in "Gemini"—Mary Boone, right?

"I don't think she is," Hickey says (he's only met her once). "She has aspects of Mary Boone but also of many other gallery owners—including myself." All the characters are such dense composites that they qualify as fiction, he insists. Indeed, he says, "there are probably three or four models for everyone in the book." However, the protagonist of "Sagittarius," an art critic in Las Vegas, sounds awfully familiar. Hickey's sign: Sagittarius.

Stardumb takes Hickey back several decades to his beginnings as an author, when he wrote a series of acclaimed short stories (Larry McMurtry ranked him among those Texas writers "whose light can be counted on to burst upon the world almost any time"), later collected in *Prior Convictions* (Southern Methodist University Press). Those were modern Westerns, with old cowpokes and young frat boys. *Stardumb*, by contrast, is a knowing and sometimes wickedly funny look at the cultured classes. Hickey begins one story: "Thai being the official food of American academia..." He describes attendees at an art-world funeral as "a pride of suits and a fluency of dowagers in designer mourning." He wrote "Sagittarius" to try his hand at the sort of boy-girl dialogue Robert Parker uses in his Spenser mysteries.

Most stories wield a critical edge; it's as if the author can't help himself. In "Virgo," for instance, a journalist interviews a professor who heads the Institute of Post Colonial Astrology. The professor spouts cryptically dense lines of dialogue—"The point here is to generate critique, not *truth*, and critique requires a complex methodology, an intricate terminology and no external modalities of hegemonic patriarchal control..."—that leave no question where Hickey stands. ("Virgo," by the way, was inspired by this very magazine. "I conceived it as something that *Lingua Franca* would do, the way they go interview academics and shit like that." He said it nicely.)

Stardumb won't add major weight to Hickey's vita, which doesn't need it anyway, but it may enhance his reputation for career non sequiturs. For a writer who once vowed never to take a university job, and who only did so reluctantly, "for the health insurance," that's surely enough. "Oh yeah, I'm fully tenured and everything," he says, as slot machines clang in the background. "And I'm sitting around writing stories about people who cheat on their checks."

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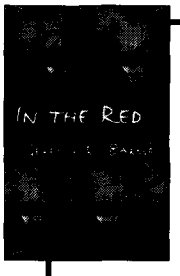

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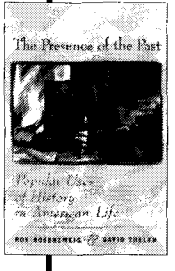

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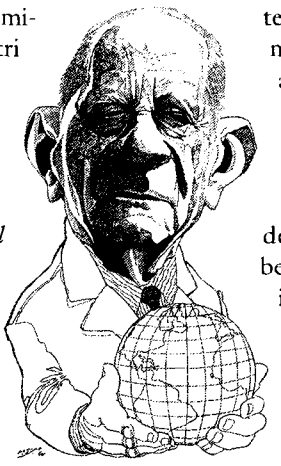
ENEMIES: A LOVE STORY

LAST FALL, THE LEFT-WING PUBLISHER VERSO released *The Challenge of Carl Schmitt,* a collection of generally admiring essays about the man known as Adolf Hitler's "crown jurist." It was the consummation of an unlikely marriage. "All the essays are by left liberals who want to show why the left needs to read Schmitt," says editor Chantal Mouffe, a political theorist best known for her post-Marxist conception of radical democracy. Indeed, left-wing interest in Carl Schmitt has recently achieved critical mass. In April 1999, Columbia University hosted a three-day conference on Schmitt, attended by luminaries such as postcolonialist Gayatri Spivak and New School theorist Andrew Arato. In September, Gopal Balakrishnan, a former UCLA professor and a member of the editorial board of the *New Left Review,* will publish *The Enemy: An Intellectual Portrait of Carl Schmitt* with Verso.



Why are so many leftists interested in a leading Nazi judge?

CARL SCHMITT

Why are all these leftists and radical pluralists interested in Schmitt? A vociferous rightist detractor of the Weimar state and a harsh critic of liberalism, the German philosopher openly admired Mussolini. When the Nazis came to power in 1933, he was appointed a Prussian state councilor under Hermann Göring; as such, he led a blitzkrieg on Weimar's legal foundations. By 1936, he was delivering unabashedly anti-Semitic speeches. At a Nazi legal conference he proclaimed: "The relationship of the Jew to our intellectual work is a parasitic, tactical, trader's one." Never charged at Nuremberg, Schmitt was nonetheless barred from holding an academic position in postwar Germany. After the war, he retired to his hometown of Plettenberg, where he continued to write voluminously on politics until his death in 1985.

Despite this reactionary record, a number of leftists have taken a shine to Schmitt over the years. In 1930, Walter Benjamin sent Schmitt a copy of his seminal literary study, *The Origin of German Tragic Drama,* with a note confessing his admiration. "You will quickly notice how much the book in its presentation of the seventeenth-century doctrine of sovereignty owes to you," wrote Benjamin. And although Schmitt was anathema in Germany after the war, in the 1960s Italian Marxists courted his favor and read his work. After his death, *The Crisis of Parliamentary Democracy* (1985) and *Political Romanticism* (1986), both published by MIT Press, presented his harsh critique of liberalism to English-speaking readers.

That critique resonates with many of today's populists and radicals who are frustrated with the Clinton-Blair brand of liberal centrism. According to Schmitt, parliamentary debate furnishes a smoke screen for backroom dealing among elites. Legislators who claim to represent the will of the people, he observed, are often cronies of the rich and powerful; the stirring rhetoric of liberalism obscures squalid political compromises. Popular sovereignty is a fiction.

But Schmitt was hardly the Ralph Nader of his times: His thinking descended to existential depths that would probably make the average liberal or conservative queasy. In 1927, he published *The Concept of the Political,* in which he argued that parliamentary government was flawed not only in practice but in theory: Representative democracy is intended to mediate between opposing interests, but these interests are in fact irreconcilable. Political life is defined by eternal conflict—indeed, by an elemental opposition between "friend" and "enemy." For Schmitt, "enemy" designates whoever opposes a particular social group and threatens its survival. The friend-enemy opposition, he argues, would always unravel the false consensus achieved by democratic compromise and parliamentary discussion.

At first blush, this insistence on the perseverance of conflict in political life would seem to echo Karl Marx—but Schmitt's friends and enemies are not necessarily Marx's class-warfare adversaries. Seyla Benhabib, a professor of government at Harvard, notes that Schmitt "developed a racialized view of the we/they opposition." Benhabib cautions against an uncritical rehabilitation of the Nazi philosopher. "There needs to be a study of how Schmitt's ideas intersect with his later political activities," she admonishes.

Benhabib's former student Bill Scheuerman, now a professor of political science at the University of Pittsburgh, has taken up that challenge. In *Carl Schmitt: The End of Law* (Rowman & Littlefield, 1999), Scheuerman examines Schmitt's Nazi-era writings, arguing for a direct link between the philosopher's attack on liberal democracy and his Nazi-era activities. Indeed, as Balakrishnan

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"Liberals say there's no enemy, but they're always attacking someone," says Chantal Mouffe.

notes, a Nazi legal commission Schmitt presided over issued the following decidedly illiberal statement in 1935: "The legal concept of 'Man'...conceals and falsifies the differences amongst a citizen of the Reich, a foreigner, a Jew, etc.... [R]eplacing this scientific abstraction...and emphasizing the differences amongst men of different races, nations and occupational estates...is the main goal of National Socialist academic jurists." (In response, a headline in a Social Democratic newspaper in exile dryly announced, CARL SCHMITT ABOLISHES MAN.)

Despite the evidence he marshals, Balakrishnan insists that Schmitt's ideas did not make him a natural Nazi. Schmitt's recently published correspondence with Ernst Jünger, the prominent right-wing novelist, suggests that he was largely indifferent to Nazi anti-Semitism until after the war, when he blamed Jews for his status as an intellectual outcast. In 1932, moreover, he publicly warned against voting for the National Socialists: "Whoever allows the National Socialists to obtain the majority on July 31...is acting foolishly. He gives this ideologically and politically immature movement the possibility of changing the constitution, introducing a state church, dissolving the unions, etc."

So, should today's left read Schmitt as friend or enemy? Should it read him at all? "It's ridiculous and self-defeating not to read Schmitt," says Mouffe. "I wouldn't defend him as a human being, but sometimes we can learn a great deal from those who oppose us. If they're smart and pose difficult questions, they force us to think more." The recognition that conflict lies at the heart of all politics is healthy, insists Mouffe, whose own work calls for different social groups—women, gays, ethnic minorities—to participate in political life through colorful public demonstrations and direct action. "Liberals say there's no enemy, but they're always attacking someone," she says. "Democratic politics cannot overcome this friend-enemy dichotomy."

But if the formerly Marxist Telos group is any example, caution may still be called for. In a move that shocked its former political allies, Telos publicly embraced Schmitt's ideas as its theoretical platform in the late 1980s. By the early 1990s, the group (and its eponymous journal) had allied itself with Europe's populist, anti-immigration right wing. It just might be that in the end, there's no taking the enemy out of Schmitt.

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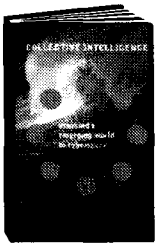

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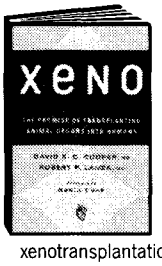

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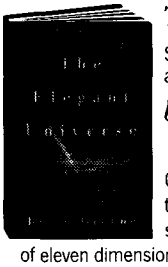

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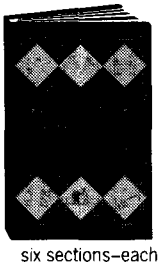

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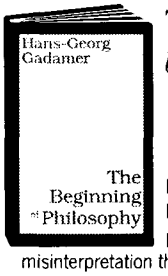

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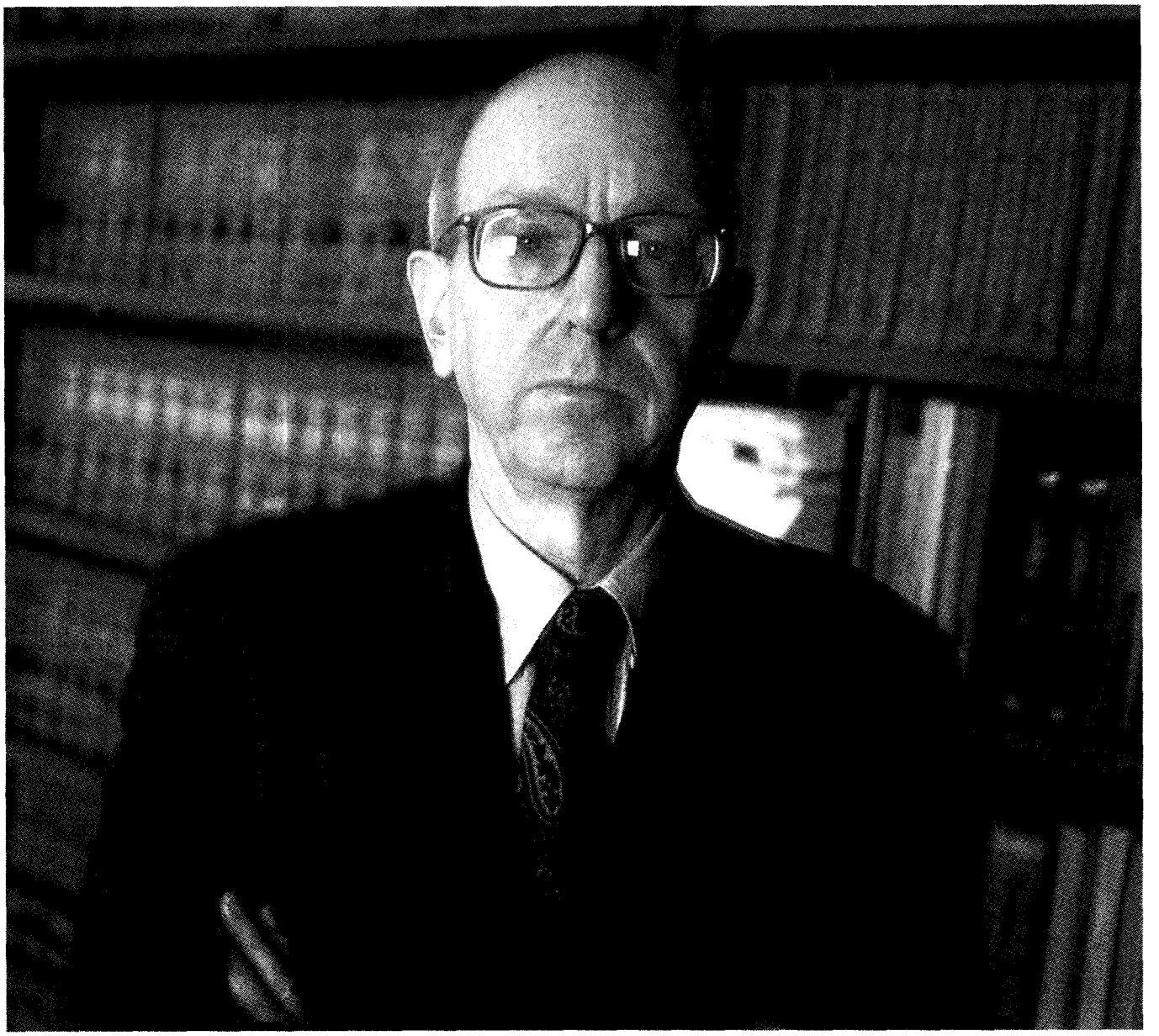

OF JUDGE RICHARD POSNER

BY **JAMES RYERSON**

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In October 1997, Judge Richard Posner gave the prestigious Oliver Wendell Holmes lectures at Harvard Law School. He used the occasion to launch a bruising attack on the members of his audience and their pretensions to virtue. "Academic moralists," he tartly proclaimed, "pick from an à la carte menu the moral principles that coincide with the preferences of their social set." With considerable aplomb, he proceeded to accuse the nation's leading moral and legal philosophers of hypocrisy and worse: "They have the intellectual agility to weave an inconsistent heap of policies into a superficially coherent unity and the psychological agility to honor their chosen principles only to the extent compatible with their personal happiness and professional advancement."

Slighted and vexed, several scholars from the ranks of moral philosophy, legal scholarship, and the judiciary responded to Posner in a subsequent issue of the *Harvard Law Review*. The liberal legal philosopher Ronald Dworkin charged that Posner's talk contributed to "a populist antitheoretical movement that is now powerful in American intellectual life." The University of Chicago philosopher and classicist Martha Nussbaum called it "an occasion for sadness." Charles Fried, an associate justice of the Supreme Judicial Court of Massachusetts and solicitor general under former president Ronald Reagan, said that Posner's harangue was "too gross and unnuanced to dispose of the arguments he seeks to refute," though with his rhetorical skills he presumably "made converts."

Provocation comes naturally to Posner. Like his hero Oliver Wendell Holmes, whom he has called the "American Nietzsche," Posner has sought to combine the roles of intellectual gadfly and authoritative lawgiver. The object of scholarly envy and awe, he is the chief judge of the United States Court of Appeals for the Seventh Circuit and was the court-appointed mediator for the Microsoft antitrust

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case. Anthony Kronman, the dean of the Yale Law School, considers the "law and economics" movement that Posner has pioneered to be the most influential development in the last two decades of legal scholarship. The author of thirty books and more than fifteen hundred judicial opinions (which he writes himself), he is the most frequently cited American legal scholar alive.

And yet for all his visibility and near superhuman productivity, Posner is maddeningly hard to pin down. At sixty-one, he is quiet, calm, and courteous, with a measured style of speech; he expresses his often incendiary opinions in an unhurried, almost blasé manner. The best description of his political views may be "eclectic libertarian," but even that label doesn't capture the quirky cast of his thought. On his conservative side, he is a Reagan-appointed judge who warns against market regulation and wealth redistribution. He professes distaste for the student riots and antiwar demonstrations of the 1960s, which he characterizes as an "anarchic outburst." He puts a good deal of stock in current theories of evolutionary psychology and sociobiology, believes that the exclusion of women by the Virginia Military Institute was not plausibly an instance of "sex subordination," and agrees with Supreme Court justice Antonin Scalia that "people who look to the courts for social reform do not take democracy completely seriously."

That said, Posner seems to make a point of infuriating conservatives. In a December 1999 *New York Times Book Review* article, he roundly criticized neoconservative Gertrude Himmelfarb's jeremiad *One Nation, Two Cultures,* warning that "unless we want to go the way of Iran, we shall not be able to return to the era of premarital chastity, low divorce, stay-at-home moms, pornography-free media and the closeting of homosexuals and adulterers." As a self-styled pragmatist, he most closely resembles, in his philosophical views, such bêtes noires of the right wing as Stanley Fish and Richard Rorty. In the fall 1999 *Raritan,* he casually dismissed the hallowed notion of "the rule of law" by noting that it is "an accidental and readily dispensable element of our legal ideology." His books are enthusiastically blurbed by liberals, he is the highest-ranking American judge to have publicly advocated the legalization of marijuana, and he resists nostalgic views of a more stately, less rapacious American legal profession, claiming that "the bar in the 1950s was a regulated cartel."

Posner's work may be elusive in its implications and almost absurdly wide ranging in subject matter, but it is also largely unified in method. Since 1988, he has written books on sex, old age, literature, and AIDS. Yet for all his enlightened dilettantism, the discipline of economics, as he put it in *Aging and Old Age* (1995), "wields the baton of my multidisciplinary orchestra." He believes firmly in the ability of rational choice theory—the economic model of appetitive, self-interested human behavior—to dispel the myths that cloud other disciplines. In *Sex and Reason* (1992), for instance, he described prostitution as a "substitute for marriage," since married couples compensate each other for services with other services, while prostitution is simply a case of those same services being traded for ready money. Typically erudite, syncretic, and hard-nosed, *Aging and Old Age* was inspired by a quotation from Aristotle's *Rhetoric*—"youth has a long future before it and a short past behind it"—in which Posner saw the glimmer of cost-benefit calculation.

To his admirers, this is classic Posner: the impossibly well-read, mind-bogglingly prolific Renaissance judge; the forthright, courageous, and accurate critic of all that is soft and imaginary in legal and social thought; and the economic wizard who captures the complexity of human beings by teasing out their crude self-interests. To his detractors, however, Posner's work reveals considerably less: a gifted but wayward mind, given to reductive, simple-minded analysis of the variegated human experience, seduced by a cynical narrative of power and survival; a dogmatic, heartless, calculating machine in pursuit of cold-blooded efficiency; a "fetishist," as Dworkin once put it, "of little green paper."

To the delight of his fans and the dismay of his critics, Posner published two especially controversial books last year: *The Problematics of Moral and Legal Theory,* an expanded version of his 1997 Holmes lectures; and *An Affair of State: The Investigation, Impeachment, and Trial of President Clinton.* Both advance audacious arguments with great confidence. *An Affair of State* has attracted the lion's share of attention in the media for its assertion that the president was clearly guilty of perjury—in *The New York Review of Books,* Dworkin even accused Posner of possibly violating the Code of Conduct for United States Judges by commenting publicly on "pending or impending" cases.

But *Problematics* has struck many insiders as the more revealing document in the often perplexing archive of Posner's worldview. Certainly his condemnations of moral philosophy are passionate. "I hate the moral philosophy stuff. It is theology without God," he says bluntly. "I don't like theology with God, I don't like theology without God. It's preachy, it's solemn, it's dull. It's not my cup of tea at all." Jules Coleman, a Yale law professor, feels *Problematics* is crying out for some sort of deeper explanation: "It's a multi-pronged, migraine headache–inducing attack on moral philosophy. It's so vehement, and it comes from so many different angles, that you feel like applying appropriate social science to the investigation of it—namely, what's going on inside this guy's head?"

BORN IN New York City in 1939, Posner grew up in the city and its suburbs. His mother was "stridently left-wing," he says, and had many radical friends, including the couple who adopted the children of Julius and Ethel Rosenberg. In fact, as a youngster, Posner gave away his train set to the Rosenbergs' children, Michael and Robby. Posner's father was a lawyer, and, growing up, Posner "always had it in the back of my mind that I might end up being a lawyer," though he majored in English at Yale. After graduating in 1959, he went on to Harvard Law School, became president of the *Harvard Law Review,* and finished first in his class. In 1962, he went to Washington, D.C., to clerk for a year with the great liberal Supreme Court justice William Brennan.

Though he was a self-described "standard liberal type" at the time, Posner remarks that "if I had been picked to clerk for a conservative judge—that would have been Harlan then—that would have been fine also. I wasn't any kind of zealot." During his clerkship, Posner showed early hints of his gifted legal mind. On one occasion, he mistook Brennan's instructions, and drafted an opinion arguing the exact opposite of what Brennan had intended. Posner's statement was so persuasive that Brennan and his colleagues changed their minds and signed it.

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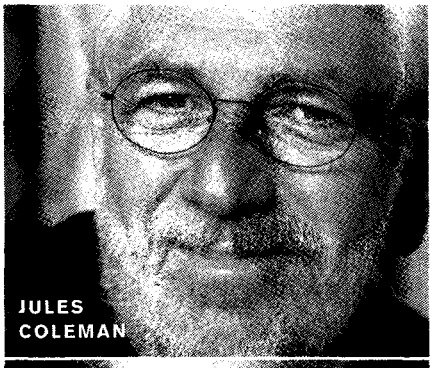
If Posner had defining enthusiasms as a young law clerk, they were economic ones. He discovered his interest in the intersection of economics and the law while cite checking an article on merger law and then while working on a major antitrust case with Brennan, *United States* v. *Philadelphia National Bank* (1963). He left his clerkship to spend two years at the Federal Trade Commission, followed by two years working for Thurgood Marshall in President Lyndon Johnson's solicitor general's office. "My last job in Washington," Posner recalls, "working on the staff of a telecommunications task force, was very economics-intensive, so by the time I started teaching, I did think I was going to do law and economics. I don't think it was even called that then, but I did want to apply economics to the law."

The law and economics movement began from the observation that in a perfectly free market, every deal advances the interests of both its parties; otherwise, someone would opt out. Furthermore, since both parties gain something of greater value to them through the transaction, the total amount of social wealth increases. On the strength of those insights, Posner suggested that common law—the judge-made body of decisions that governs tort, property, and contract law—can be understood as a tool for promoting social wealth. A law that interferes with free bargaining will draw challenges in the courts, since it constrains people from buying and selling as they wish and thus from advancing their interests. On the other hand, a law that does not obstruct free bargaining will remain on the books, season, and become precedent.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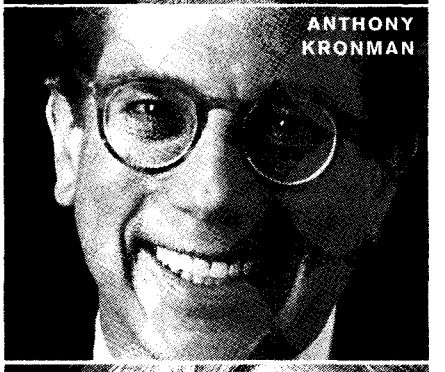
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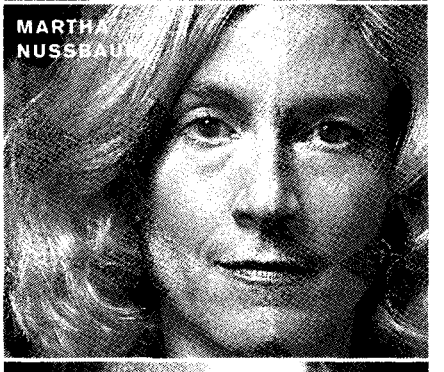
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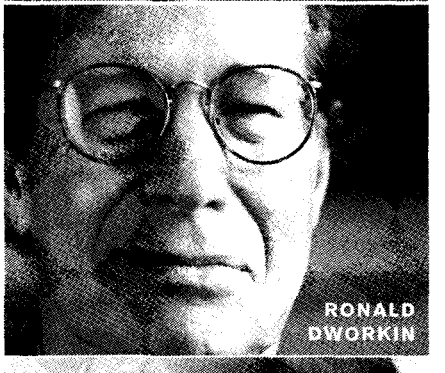
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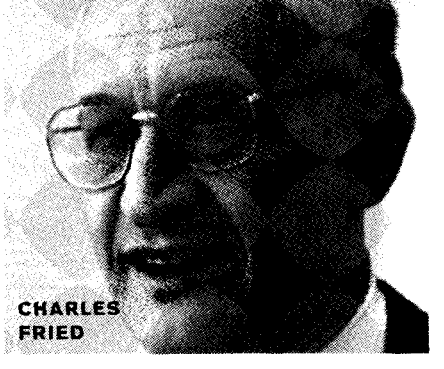
CHARLES FRIED

FROM TOP: CHARLES LANGSTON; CHARLES SCHARF; [illegible]; [illegible]; J. SHINAN & J. LINDEMANN; NYU LAW SCHOOL; HARVARD UNIVERSITY

TO HIS ADMIRERS, POSNER IS THE IMPOSSIBLY WELL-READ, MIND-BOGGLINGLY PROLIFIC RENAISSANCE JUDGE. TO CRITICS LIKE DWORKIN, HE IS A HEARTLESS CALCULATING MACHINE, A "FETISHIST OF LITTLE GREEN PAPER."

One reason that law and economics wasn't known by name at the time was that Posner hadn't made it famous yet. The movement, which treats the law primarily as a tool for ushering markets along, did have a few forerunners, including the conservative judge Learned Hand and the economist Ronald Coase. But no concerted effort to fuse the two disciplines emerged until the 1970s, when Posner was a law professor at the University of Chicago, cradle to American economic thought from Thorstein Veblen to Milton Friedman to Gary Becker. He published a number of influential books in that period, including *Economic Analysis of Law* (1973; now in its fifth edition), *Antitrust Law: An Economic Perspective* (1977), and *The Economics of Justice* (1981). The decade's political movements in favor of privatization and deregulation found their conceptual counterpart in Posner's books.

From these premises, Posner drew some provocative conclusions. When deciding truly novel cases, judges should not think of their task as preventing harm by honoring rights, but rather as distributing rights and harms in the same way that a free market would have done. For instance, rather than making slippery arguments about which party to a property dispute has an abstract claim to the contested goods, a judge ought to determine which party would have acquired the right to the property by bargaining for it in a perfectly free market. When judges distribute rights in the way that an ideal market would, they, like the market, are maximizing total social wealth.

Posner further argued that legislators should be concerned principally with protecting people's ability to bargain freely, and not with redistributing wealth. Indeed, from the law and economics standpoint,

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redistribution actually decreases total social wealth, since it takes something from those who value it and puts it in the service of those who, not having transacted for it, will not feel the market pressures to wring the most efficient use out of it.

These were bold, politically charged proposals, and they infuriated many liberals and leftists in the academy. In 1980, the Harvard legal historian Morton Horwitz predicted in the *Hofstra Law Review* that "the economic analysis of the law has 'peaked out' as the latest fad in legal scholarship." Over the next twenty years, however, Horwitz's prediction proved stunningly wrong. Virtually every major law school today has a program in law and economics, as well as an economist on the faculty. And although Posner was never able to convince the legal academy that economics explains the history and hidden logic of the law, he and many other legal scholars, including his Chicago law school colleague Richard Epstein, maintain allegiance to the idea. Certainly the policy suggestion that the law ought to promote greater economic growth is very much alive. "There have been a lot of faddish movements in the law," Posner says. "Critical legal studies, postmodernism, critical race theory. Some leave little deposited insights; they directed our attention to aspects or perspectives that we hadn't seen." But, he notes with satisfaction, "only law and economics has had real staying power."

The staying power has not been merely academic. Antitrust law, for instance, stands as the shining example of success to proponents of law and economics. In the early days of the Sherman Antitrust Act (1890), Posner points out, the "very goal of antitrust policy was obscure and contested—was it to promote economic efficiency or to reduce the power of big business? It is hard to do both." With a few exceptions, antitrust law until the 1970s was driven by what Posner calls "populist" sentiment about the inherent evil of bigness, rather than by any empirical understanding of whether specific legal decisions actually improved economic efficiency. But with the rise of law and economics in the 1970s and the Reagan revolution of the 1980s, antitrust law effectively became a branch of applied economics, and economic efficiency became the only widely accepted goal of antitrust efforts. "On its frontiers, the law and economics movement looks wacky," concedes Harvard law professor and cyberlaw expert Lawrence Lessig, who clerked for Posner from 1989 to 1990, "but this is the nature of a frontier, not the movement.... We are all law-and-economists now."

Unsurprisingly, Posner's conservative economic views caught the eye of President Reagan, who nominated Posner to the bench in 1981. In retrospect, Posner was probably lucky to have been nominated so early in Reagan's term. "I think I was the second nominee to the federal courts of appeals by Reagan and the first professor," he remembers. "So it wasn't yet realized that he was trying to fill up the bench with conservative professors." Nor was it likely that the senators realized that in the *Journal of Legal Studies,* Posner had discussed buying and selling babies on the free market in lieu of government-regulated adoption, or that he had argued that the archetypal antitrust infraction of predatory pricing rarely, if ever, exists. Without having to pass through Borkian rings of fire, Posner took his seat on the bench, though he continued to teach a partial course load at Chicago and to write book after book elaborating his economic approach to the law. There was only one sticking point: How could such a radical thinker function as a responsible judge?

AS AMBITIOUSLY technocratic as Posner's law and economics program may seem, his practice of judging has a more commonsensical, pragmatic bent. In recent years, he has overruled a controversial Illinois statute that prohibited candidates for judicial office from taking political stands on issues that might come before them as judges, and he dissented when his colleagues voted to uphold bans on "partial-birth" abortions, arguing that the laws were a blatantly unconstitutional restriction of a woman's right to abortion. He treats economic research as only one especially powerful tool among the many from which judges choose.

"Judges have a terrible anxiety about being thought to base their opinions on guesses, on their personal views," Posner has said. "To allay that anxiety, they rely on the apparatus of precedent and history, much of it extremely phony." By contrast, he believes that a pragmatic, reasonable judge will weigh the available evidence, including the relevant social science, to determine which decision produces results that best further society's goals. "I do think judges can and should get away with a lot more candor," he explains, "so that the public sees what a court is—not geniuses, or even particularly erudite people, but just lawyers trying to give some reasonable ground for their opinions."

Posner's own considerable candor has made for some highly unusual opinions. Back in 1990, the judges of the Seventh Circuit decided the case of *Miller* v. *Civil City of South Bend*. At issue in *Miller* was the constitutionality of an Indiana public-indecency statute prohibiting "the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state." Darlene Miller and several other nude dancers affiliated with the Kitty Kat Lounge of South Bend, Indiana, challenged the constitutionality of the statute on grounds that "non-obscene nude dancing of the barroom variety, performed as entertainment," was a form of artistic expression protected by the First Amendment.

The court decided in favor of Miller, and Posner concurred with the majority on the grounds that nude dancing is a form of expression entitled to limited protection under the First Amendment. But his separate opinion was very much his own. It seemed he was not particularly interested in the legalistic arguments advanced by either side in the case:

> The true reason I think for wanting to exclude striptease dancing from the protection of the First Amendment is not any of the lawyers' classification games... such as expression versus nonexpression, ideas versus emotions, art versus entertainment, or speech versus conduct. It is a feeling that the proposition, "the First Amendment forbids the State of Indiana to require striptease dancers to cover their nipples," is ridiculous. It strikes judges as ridiculous in part because most of us are either middle-aged or elderly men, in part because we tend to be snooty about popular culture, in part because as public officials we have a natural tendency to think political expression more important than artistic expression, in part because we are Americans—which means that we have been raised in a culture in which puritanism, philistinism, and promiscuity are complexly and often incongruously interwoven—and in part because like all

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lawyers we are formalists who believe deep down that the words in statutes and the Constitutions mean what they say, and a striptease is not a speech. But the element of the ridiculous is not all on one side. Censorship of erotica is pretty ridiculous too. What kind of people make a career of checking to see whether the covering of a woman's nipples is fully opaque, as the statute requires?... The history of censorship is a history of folly and cruelty.

Back in his chambers in the Everett M. Dirksen Federal Courthouse in Chicago, Posner smiles his coy half-smile as he remembers the case, which led to his 1992 book *Sex and Reason*. "I was curious about the origin of nude dancing, and where it came from, and whether it was connected to Salome's dance, and so on," he recalls. "I think I was the only judge who looked at the [video] tape [of the dancing]. I thought it was important to see what could be systematically known about these practices." In the end, Posner was less interested in adroit legalistic hairsplitting than in the brute facts of American society. "In the America of 1990," he concluded his opinion, "the project of stamping out nude striptease dancing is quixotic. The power of government is relative to the desires and values of its people. The State of Indiana cannot take the erotic edge off American culture." The state's anti-nudity statue was simply not pragmatic.

"IN THE AMERICA OF 1990," POSNER CONCLUDED, "THE PROJECT OF STAMPING OUT NUDE STRIPTEASE DANCING IS QUIXOTIC. THE STATE OF INDIANA CANNOT TAKE THE EROTIC EDGE OFF AMERICAN CULTURE."

IN A SEMINAR at the Chicago Law School, surrounded by a handful of students and fellow Chicago law professors—Cass Sunstein, Richard Epstein, Martha Nussbaum, David Strauss, and others—Posner presents a paper on privacy law. Sitting still and slightly stooped, he broaches the topic by sketching his theory of the self that privacy law is designed to protect. People create useful personas, he explains, that facilitate advantageous transactions. Privacy law protects these personas from being exposed as fronts. This deception, Posner argues, though not exactly fraud, is certainly not in the interest of the larger public good. Thus, legal thinking about privacy has reason to begin with a prejudice against privacy rights rather than in favor of them.

Strauss is the first to object. Such reasoning, he proposes, might justify forcibly removing a kidney from someone if it turns out that the organ could be used to synthesize helpful drugs for others. In certain cases, a violation of privacy, Strauss suggests, is akin to a violation of one's actual person. "Oh, that's different," Posner says dismissively. "Is it?" demands Strauss. Posner pauses thoughtfully for a moment. "Isn't it?" he replies. Everyone laughs. "Do I have the burden of proof here, or do you?"

Posner's critics often protest that his attacks are flippant and idiosyncratic— especially when he takes on his latest bugbear, moral philosophy. Even Posner admits that his assault on ethics has a sharp personal edge, but the case he marshals against it, he insists, stands independent of his own "visceral dislike" of the discipline. The structure and vocabulary of academic moral discourse, he believes, are so spongy that it's impossible to determine whether any of its claims are right. Further, even if moral theory could demonstrate moral truths, Posner does not believe its arguments would, as a matter of psychological fact, convince people to change their behavior or beliefs. "If they can show me cases where moral reasoning has actually changed people's

JOE RAYMOND (2)

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views," he challenges, "well, that's fine; but there don't seem to be any of those cases."

In Posner's mind, the most vivid example of the irrelevance of moral philosophy to the law was the so-called Philosophers' Brief, a defense of the right to assisted suicide submitted to the Supreme Court by a dream team of liberal moral philosophers: Ronald Dworkin, Thomas Nagel, Robert Nozick, John Rawls, Thomas Scanlon, and Judith Jarvis Thomson. Invoking the moral principle of individual autonomy and a philosophical argument against the distinction between acts of commission and acts of omission, the brief was intended to bolster the case for euthanasia. But all nine justices voted to uphold state statutes banning the practice, overturning lower-court decisions and apparently ignoring the Philosophers' Brief entirely. None of the brief's philosophical claims was debated by the Court in its deliberations. In *The Problematics of Moral and Legal Theory,* Posner gleefully took note of this, pronouncing the philosophers' effort elitist and shameful. "People favoring the status quo," he recounted, "had the strength of inertia and intense conviction behind them, while the people favoring change [Dworkin et al.] were by and large the wealthier and better educated, who usually get their way in the political process as elsewhere."

BUT CAN MORAL philosophy be dismissed so easily? For Dworkin, who believes that the law consists not merely of rules imposed by legislatures but also of underlying moral principles that judges have a responsibility to draw on, Posner's effort to debunk moral theory amounts to little more than an infuriating sleight of hand. Not only, he argues, does Posner rest his case on an empirical claim—that moral arguments never change people's minds—for which he offers nothing but conjecture and anecdotal support, but his pragmatic view of judging and morality begs all the important questions for which it is offered as a solution. After all, Posner argues that a novel judicial decision or moral claim is justified only if it advances the goals of a society. Therefore, he needs to be able to identify what the goals of society are. If he appeals to a higher notion of the good in order to do that, then he will have to offer a moral theory of his own. But if he suggests that the goals of society are just the ones that people happen to have, he is presuming a consensus whose absence is precisely the reason moral theory or judicial opinions are needed in the first place. "Posner's argument," Dworkin wrote in his *Harvard Law Review* response to the "Problematics" lectures, consists of "empty calls for action in pursuit of goals it cannot even describe, let alone justify.... [I]t encourages forward-looking efforts in search of a future it declines to describe."

Ironically enough, Posner did not always look on moral philosophers so harshly: Indeed, in his earlier years, he aspired to the calling himself, setting out to be an ethicist of pure capitalism, the Immanuel Kant of the free-market counterrevolution. In a *Journal of Legal Studies* article, "Utilitarianism, Economics, and Legal Theory" (1979), and a *Hofstra Law Review* article, "The Ethical and Political Basis of the Efficiency Norm in Common Law Adjudication" (1980), Posner ambitiously sought to give free-market economics a moral foundation. Why, he demanded, is wealth maximization a good thing?

In an intriguing move, the young Posner suggested that the market's maximization of wealth was not only an effective way of realizing a society's goals but a valuable moral principle in its own right. "It seems to me that economic analysis has some claim to being regarded as a coherent and attractive basis for ethical judgments," he wrote. By this, he did not mean that wealth itself was the sole thing that society valued. Rather, he claimed that because markets place goods and rights in the hands of those who value them most, a free market—and legal decisions that mimic the distribution of rights in market transactions—will necessarily produce a compelling and just distribution of goods and rights.

Dworkin, Jules Coleman, and Anthony Kronman waged a battle against Posner's moral project, and Posner, by his own admission, lost badly. "Economists," Posner noted in his "Problematics" lectures almost twenty years later, "have sometimes tried to make economics a source of moral guidance.... These are doomed efforts." In a modest footnote, he added simply, "I speak from experience," and then cited Dworkin's rebuttal. "There was no doubt that Dworkin and I, and to a lesser extent Tony Kronman, basically wiped the floor with him," says Coleman.

The problem with Posner's argument was glaring. The principle of wealth maximization dictates that goods and rights are to be distributed to those who value them most. At the same time, the value you place on a right is determined by how much you are willing to pay while bargaining for it, and how much you are willing to pay for something often depends on how much money you already have. By this logic, the principle of wealth maximization suggests that there is no justification for making those who are already wealthy share what they have; it even suggests that their wealth alone is justification for giving them more. Worse, people with no wealth have no rights. Posner had tried to plug these gaps by arguing that wealth maximization was actually a principle for explaining how basic rights are originally distributed in, say, a hypothetical auction. But the unsettling idea that a person is entitled to a right only insofar as she can produce the wealth needed to acquire it recurred here as well. Posner's theory was, in effect, a tautology: Maximizing wealth was good because it created a just distribution of rights, and the reason that distribution was just was because it maximized wealth.

Having failed to provide a solid philosophical defense of wealth maximization, Posner fell back on a more limited claim. He argued that a wealth-maximizing society would as a matter of well-established fact have an attractive mixture of everything else—welfare, autonomy, respect, equality. "This is an empirical claim for which he has absolutely nothing resembling evidence, other than hypotheticals and suppositions," Coleman charges. "As a social scientist one would think you could do better on this.... On the face of it, maximizing wealth doesn't seem to connect in any interesting way to any of these things."

AFTER ABANDONING the effort to give law and economics an ethical foundation, Posner turned toward the more modest tradition of pragmatism: We don't need universal moral foundations, only ad hoc solutions to practical problems. He insists that he has reached his present position on account of his subsequent years of experience, not as a fall-back plan following his unsuccessful philosophical project. "Dworkin's criticisms were good," he acknowledges, "but those were criticisms from within moral philosophy. [My present] skepticism comes from another ten or fifteen

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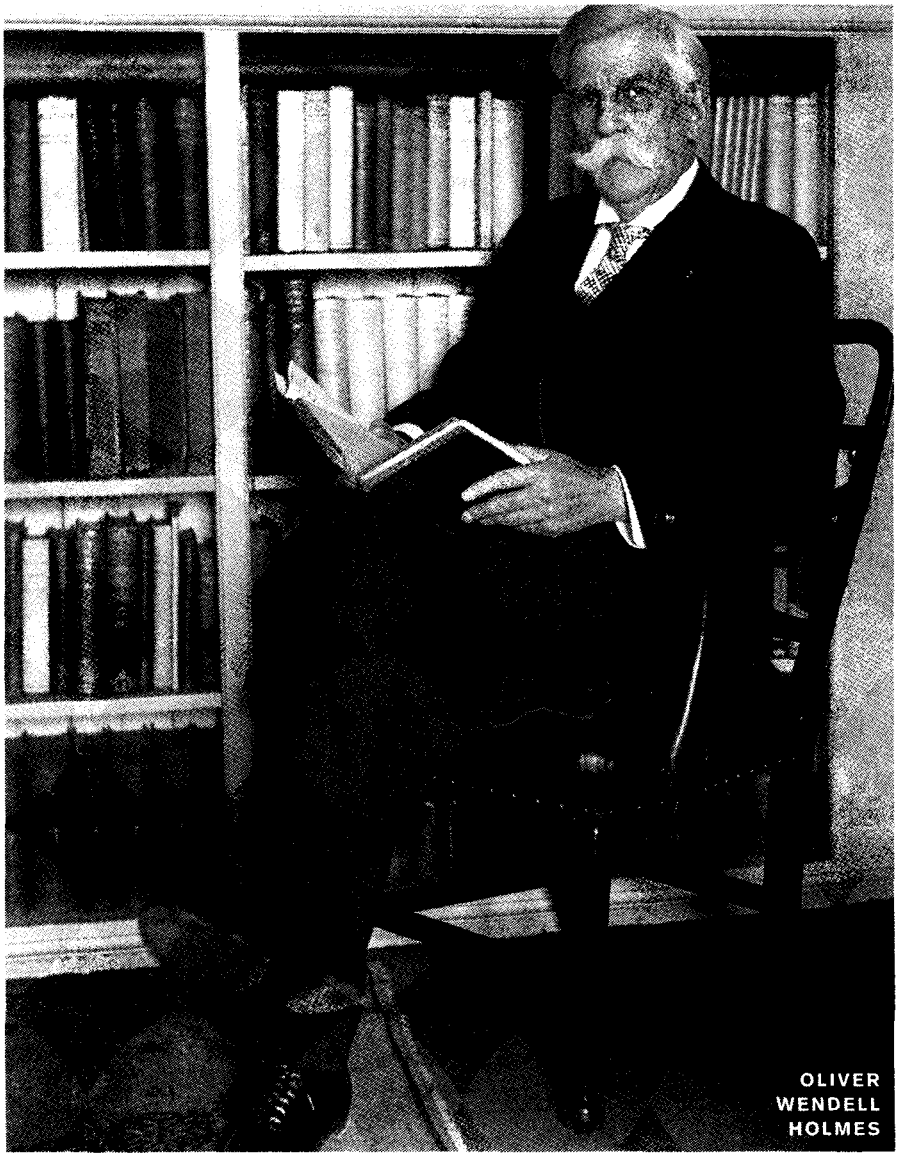
years of observing the indeterminacy of this kind of philosophical debate."

Today's Posner is more inclined to criticize the presumptions of high-minded theory. He takes great pleasure in citing *The Altruistic Personality: Rescuers of Jews in Nazi Europe* (1988), by Samuel Oliner and Pearl Oliner, a statistical study of German and Polish rescuers of Jews that shows that higher levels of education were negatively related to the propensity to rescue. The study lends credence to Posner's hypothesis that intellectual fluency allows people to rationalize inactivity. He is also fond of using the findings of evolutionary biology to suggest that morality, to the extent it is prevalent and shared, is encoded in our genes: True examples of moral or self-sacrificing behavior "may illustrate an instinctual" extension of our evolutionarily ingrained impulse to protect our kin.

The consequences of Posner's pragmatic view of morality can be peculiar, to say the least. "One reason for the widespread condemnation of the Nazi and Cambodian exterminations," Posner wrote in *The Problematics of Moral and Legal Theory,* "is that we can see in retrospect that they were not adaptive to any plausible or widely accepted need or goal of the societies in question. The genocidal policies that the United States pursued toward the American Indians were adaptive and so receive less criticism, especially as Americans who are not Indian...are the beneficiaries of those policies." But Judge John T. Noonan Jr. of the Ninth Circuit Court of Appeals noted in his response to "Problematics" in the *Harvard Law Review*: "No one I know criticizes Hitler because after twelve years of power he came to a bad end; he is criticized because he was a bad man doing bad deeds."

If Posner's debunkings of morality can sound outrageous, some speculate that they have extra-intellectual roots. For Nussbaum, Posner's urge to demystify ethics is partly rooted in his childhood. Posner's view of morality, she feels, "may well have something to do with having grown up as the child of a communist mother who...took his electric trains to give them to the Rosenberg children. I feel sometimes as if I am being treated by a brilliant and rebellious child. He wants to elude this parent's sermonizing, but he also doesn't want the parent to fail to notice him. So he sets out to shock and provoke, and the persistence of his shocking behavior is itself a way of engaging very deeply with the parent's sermons."



OLIVER WENDELL HOLMES

CORBIS-BETTMANN

LIKE HIS HERO OLIVER WENDELL HOLMES, WHOM HE HAS CALLED THE "AMERICAN NIETZSCHE," POSNER SEEKS TO COMBINE THE ROLES OF INTELLECTUAL GADFLY AND AUTHORITATIVE LAWGIVER.

Her personal experience, Nussbaum notes, was exactly the opposite. "On a panel on literature...I asked him whether he could imagine that one might turn to literature for a joyful escape from a world of injustice into a world of justice," which was the situation for her, growing up "in an amoral wealthy environment and reading Dickens." Posner, she recalls, "stood in utter silence at the podium for about thirty seconds, and then, in his quiet way, simply said, 'No.' I would trace this,

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SPEAKING OF POSNER, NUSSBAUM SAYS THAT "I FEEL SOMETIMES AS IF I AM BEING TREATED BY A BRILLIANT AND REBELLIOUS CHILD."

again, to his childhood experience: Whereas for me morality was a joyful escape from my father's amorality, for him an amoral stance was a gleeful escape from his mother's moralism."

"Like most of us," Coleman adds, "the people who are the strongest influences on our lives influence us in one of two directions: either by abduction or by repulsion. I think he fell in the repulsion category. I mean, it's like trying to kill your father."

HOWEVER subterranean and personal the origins of Posner's views about moral philosophy may be, they are also arguably well-suited to a sitting judge. Many law professors, even those sympathetic to moral philosophy in general, feel that Posner is dead right that moral theory has no place in the law. The liberal Chicago law professor Cass Sunstein, for one, believes that "courts do not mostly make or engage abstract, theoretical arguments, and that is good, because usually they don't have to engage those arguments and they're likely to make mistakes if they do." Judges, after all, want to resolve cases by basing their decisions on the narrowest grounds possible, whereas philosophers want to base their arguments on the broadest grounds possible and contribute fuel to ongoing debates.

For Posner, though, the trouble with overly ambitious intellectuals goes far beyond their mischief in the courtroom. Equally egregious, he thinks, is the tendency for academics to take strong stances as "public intellectuals." By speaking outside their areas of expertise, academics "border on misrepresentation," he argues. "I have that view about Dick Rorty talking about labor unions and related economic issues," he notes. "He's a terrific philosopher and a brilliant person, but he has no relevant knowledge to talk about labor unions and the economy." For others, including Nussbaum, Hilary Putnam, and Noam Chomsky, he has the same criticism: "A lot of these people feel that in their primary field they're very rigorous and that when they go into these other fields, these fields are occupied by less rigorous people, and so they should have no trouble obtaining a minimal level of expertise. Which is wrong."

It might strike some as ironic that a scholar as wide ranging and interdisciplinary as Posner would advance such a charge, but he sees a distinction between what he does and what Rorty and others do. "If the *Times* or *The New Republic* asks me to write about something which I think I know something about," he explains, "and if I can write in a way that is interesting to a general audience, I'm happy to do that... [But] my sense of a public intellectual is someone who is more programmatic and trying to influence public policy."

Posner also likes to decry the hypocrisy of philosophers whose strongest moral views apply to the world afar. Academic moral philosophers, he notes, "have very safe positions in an institution which could be regarded as radically unjust." In his telling, academic stars become "pampered, cosseted full professors with light teaching loads and job security," which "makes them unavailable as charismatic leaders." If they want to change the world, Posner suggests they go out and do something about it. But "just to be a professor and preach this stuff and not even notice how the instructors and the TAs are living—it deprives you of any moral authority."

By contrast, Posner has every right to be proud of his own dealings with those around him. According to Coleman and countless others, he is a stunning model of the attentive professional, responding diligently, promptly, and exhaustively to papers, proposals, and argumentative e-mails from professors and students of all rank and caliber. "He is socially engaging, very professionally responsible," says Coleman. "And I can sympathize with [his] sentiment that there is often a troubling dissonance between the lives individuals lead and the ones they prescribe for others. But to me, this is all irrelevant with respect to the question of whether or not they are good moral philosophers."

Posner's professional dedication reflects a combination of argumentative fierceness and humility. "After I left him as a clerk," Lawrence Lessig recalls, "he and I had a particularly ferocious exchange, and it had got extremely heated. I wrote him a note apologizing, saying that I was out of line to have been so extreme. His response was classic Posner. He said, 'That's absurd. I spend too much of my life with people being overly deferential to me. It's not a good thing for judges to live such a life, and it's important to have critics who are direct and honest and strong in their criticism.' And I think he is sincere about that."

It's nice to imagine that at the heart of Posner's prodigious achievement lies this humble, workaday ethic of professional conduct and the pragmatic goal to help society achieve its stated aims. In important, everyday ways, this image is not far from the truth. And yet there remains a puzzling, invigorating friction between his homespun, empirically oriented, ad hoc demystification of the world and his prolific, single-minded sense of mission, his hard-line challenges to common pieties, his almost flamboyant claims of humankind's inherent limitations.

Nussbaum offers a telling anecdote. One day, over lunch, Posner shared a curious discovery: In reality, he explained, he is a romantic and she is a utilitarian. The irony, she notes, is that "he is known as the paradigmatic Utilitarian, and I've portrayed him as Mr. Gradgrind; I am thought to be a paradigmatic Romantic." But Posner had realized that Nussbaum, like many other moral philosophers, essentially thinks that "people should be made happy, and that is what is important in life," she remembers. "He, like Nietzsche, thought that life was all about struggle and suffering, in which not the greatest happiness of the greatest number, but heroic and creative achievement are the most important things." That is not, in any sense, an optimistic vision, but no doubt for Posner it is the most pragmatic one.

James Ryerson is associate editor of *LF* and managing editor of *Arts & Letters Daily*. His article "Games People Play: Rational Choice With a Human Face," appeared in the December/January issue of *LF*.

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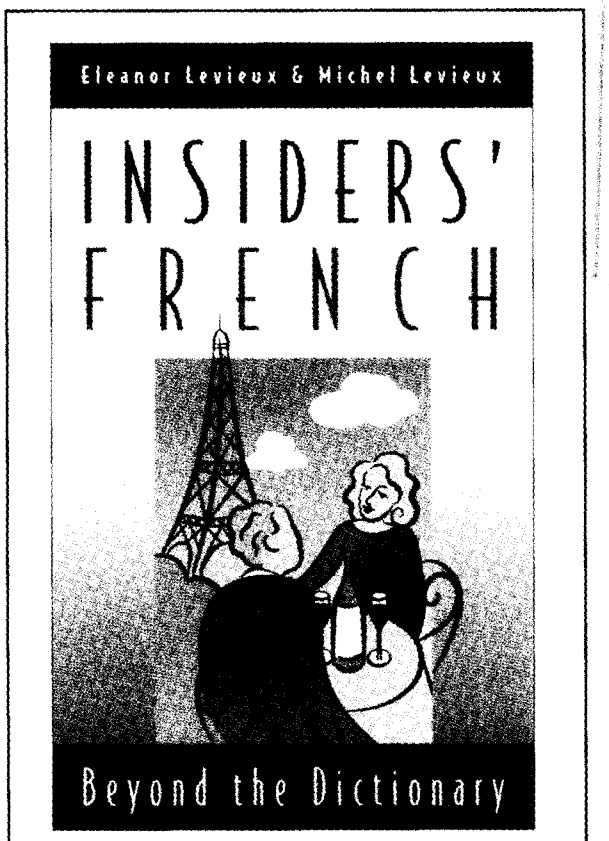
Paris in the Springtime



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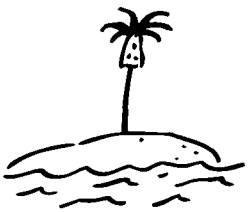

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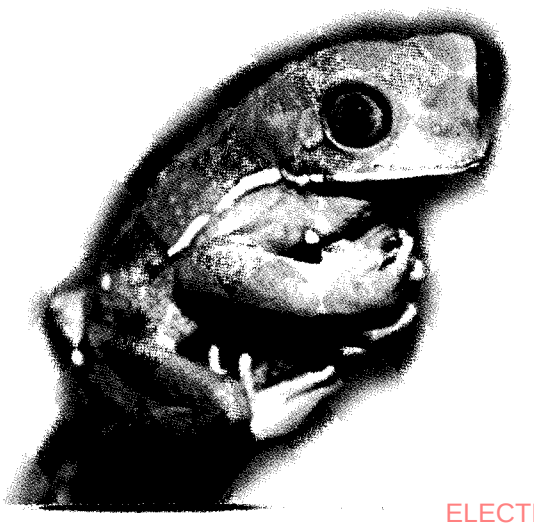

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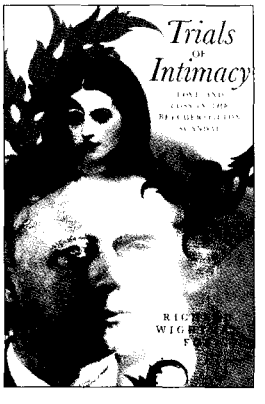

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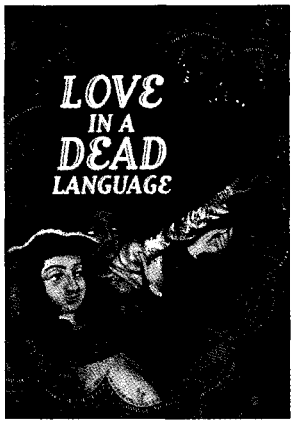

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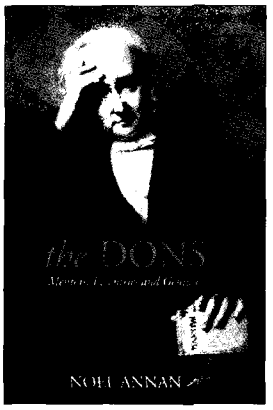

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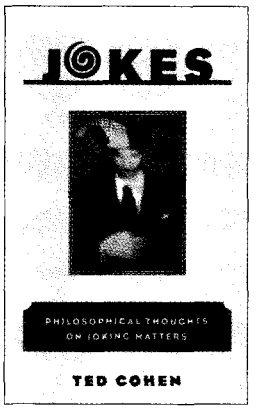

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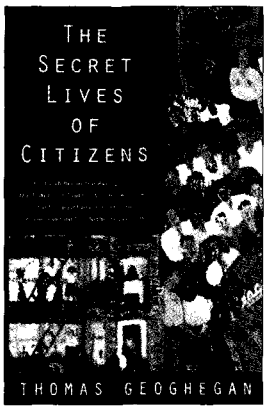

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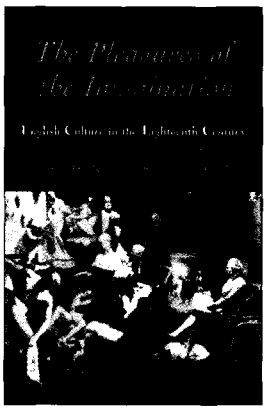

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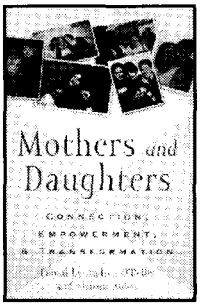

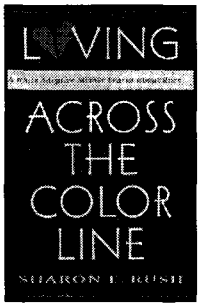

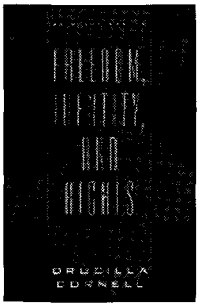

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THE ICEMAN MELTETH

A 5,000-YEAR-OLD CORPSE COMES IN FROM THE COLD

BY **BRENDA FOWLER**

ON A SEPTEMBER AFTERNOON IN 1991, WHILE HIKING BRISKLY ACROSS A BLEAK, treeless pass high in the Tyrolean Alps, Erika and Helmut Simon stopped abruptly before a disconcerting sight. A few yards ahead of the German couple lay a human corpse, face-down, stuck in a bed of ice. Only the head, shoulders and upper back were visible. Not a hair remained on the head, and the skin was tanned and stretched taut.

Figuring they'd stumbled upon a fellow hiker who had met a sad end, the couple immediately alerted the caretaker of a nearby lodge. The caretaker called authorities in both Italy and Austria, since the corpse's precise location along the mountainous border was not clear. After independently consulting the same map, Austrian and Italian officials agreed that the body, assumed to belong to a music professor from Verona who had disappeared in the 1940s, lay on Austrian soil. An Austrian gendarme flew to the site in a government helicopter, but his pneumatic chisel ran out of air before he could finish picking the corpse out of the ice. He did, however, recover a curious object: an old-fashioned ax with a narrow metal blade.

In the days that followed, at least a dozen people hiked up from the lodge to ogle the peculiar find. One pair tried to raise the head to look into the dead man's eyes. Two mountain-rescue volunteers used ice picks to dig the corpse almost entirely free. Finally, a gendarme and a professor of forensic medicine from the University of Innsbruck successfully wrenched the corpse out of the ice and delivered it to the university's Institute of Forensic Medicine.

Who was this mysterious traveler, and when did he die? Professor Konrad Spindler, the head of the University of Innsbruck's Institute of Pre- and Early History, was summoned to examine the body and its accompanying artifacts. Zeroing in on the ax, Spindler declared that the find was four thousand years old—making the body the oldest naturally preserved corpse ever found. He and the forensic staff held a press conference within hours. "When I saw the artifacts, it was immediately clear that we were dealing with a

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prehistoric find," announced Spindler, standing somewhat self-consciously before a room of excited journalists.

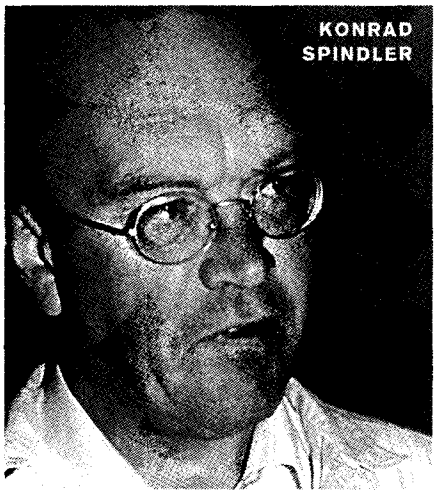
In the years since, Spindler has come to be the world's best-known authority on the ancient corpse. But his stewardship of the international scientific investigation has raised as many questions as it has answered. Spindler has reconstructed the Iceman's final weeks of life in colorful narrative detail. In his telling, the Iceman died alone, hungry, and on the lam after marauding bandits or hostile neighbors attacked his village, massacred his kinfolk, and stole his family's harvest. Overcome by a snowstorm, the Iceman stumbled into a shallow trench, put down his broken quiver and bow, and collapsed across a large boulder. Slowly his limbs chilled and became numb. His bearskin hat slipped off his head. He was covered by snow.

Given that Spindler's investigation began as a forensic case, emphasizing the identity of the person and the circumstances of the death, his desire to tell such a story may be understandable. But the narrative was by its nature speculative, and its core assumptions remain in doubt. How did one of the century's most promising archaeological finds produce such questionable conclusions? What do scientists really know about this mysterious Alpine man?

AS EXTRAORDINARY as Austria's prehistoric find first appeared, it turned out to be still more so. Believing the ax blade was made of bronze, Spindler initially assigned the corpse to the Bronze Age. But three months later, carbon dating revealed the Iceman to be a full thousand years older. The archaeologists rushed to test the ax, which turned out to be made of copper. The man must have lived approximately fifty-three hundred years ago, in the Copper Age, around 3300 B.C.E.

Among the other artifacts recovered from the site, and presumed to have belonged to the Iceman, were a small, flint-bladed dagger, a bow as long as he was tall, and a leather pouch that contained a cache of small flint and bone tools and a wad of shredded *Fomes fomentarius,* the tinder mushroom, presumably used to start a fire. Other artifacts were less familiar: There was a small white marble disk with a hole in the middle through which a tassel of twisted leather strips passed, as well as a cylindrical piece of wood with a bone point in one end, later determined to be a *retoucheur* for sharpening flint blades. A pile of soggy shreds of leather and fur, some displaying rows of stitching in a fine hand, were all that remained of the Iceman's clothes. The survival of so much organic material in such good condition was, quite simply, a miracle.

Normally, bodies buried in ice emerge converted into adipocere, a waxlike substance that looks like crumbling Styrofoam and emits a terrible stench. This corpse, however, appeared mummified and was largely intact, though the epidermis, fingernails, and virtually every strand of body hair were gone. The medical examiner thought the corpse was male, though the flattened genital area did not indicate this terribly clearly. He guessed the man had died in some typical Alpine mishap, maybe of hypothermia. That meant the artifacts were not grave goods but the stuff of everyday life.


KONRAD SPINDLER

Spindler had never seen anything like it—certainly not in Tyrol, whose poor soils and high mountains were believed to have made the region uninhabitable until about 2000 B.C.E. In the Iceman's time, the population of Europe lived mainly in small farming villages on the edges of lakes or on terraces. The people cultivated a few varieties of grains, kept cows, pigs, and sheep, and made many of their tools out of flint. Writing had not yet developed in this part of Europe, and archaeologists had few clues to follow in interpreting these people's lives. Ancient corpses had been found in British and northern European bogs, but they were thousands of years younger than this fresh discovery.

"You know," said Spindler near the end of his first meeting with the media, "the scientist does not like to take words like 'great moment,' 'hundred-year find,' or other superlatives in his mouth, but in this case it appears really justified that even the dry scientist gets a little excited and lets himself reach for words that do not belong to his usual vocabulary."

A LARGE, unsmiling man of fifty-two, Spindler had come to Innsbruck three years earlier from the University of Erlangen-Nürnberg in his native Germany, where he had conducted an exemplary excavation of a site known as Magdalenenberg. Spindler's colleagues considered him industrious and ambitious; his work routine varied little, and he never took a vacation. But all this was about to change: According to archaeology's unwritten rule of "finders keepers," a unique treasure was now his to study. Before the end of that day, he was to be offered flights to broadcast studios in London, Hamburg, and Mainz; his face would appear on televisions around the world. Ötzi, as the corpse was named, after the Ötztal, the valley in which it had been found, was an international sensation.

But all was far from settled. Surveyors soon discovered that the map that Austrian and Italian authorities had used to locate the corpse was marred by a tiny error along the border where the Iceman lay. The Iceman had died not on Austrian soil but about a hundred meters into Italy, or more precisely, in South Tyrol. Ceded to Italy by Austria at the end of World War I, South Tyrol, or Alto Adige, as it is known in Italian, had witnessed decades of conflict between its majority German-speaking and minority Italian-speaking populations. Under the slogan "One Tyrol," a tiny segment of the German-speaking population yearned for reunification with its brethren in Austria. By the 1990s, however, most inhabitants treasured the province's hard-won autonomous status within Italy, which granted South Tyroleans considerable control over their cultural and political affairs.

South Tyrolean officials quickly realized that *Homo tirolensis,* as the provincial leader took to calling the corpse, could bolster the region's tourism industry even

PREVIOUS PAGE: GERLINDE HEID

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as it served as a symbol of autonomy. South Tyrol had no university and could not complete a study of the find; but it could become the corpse's final resting place. By the end of 1991, South Tyrolean politicians struck a compromise with the professors in Innsbruck: Austria could manage all the research, but when it was completed, the corpse would be returned to South Tyrol.

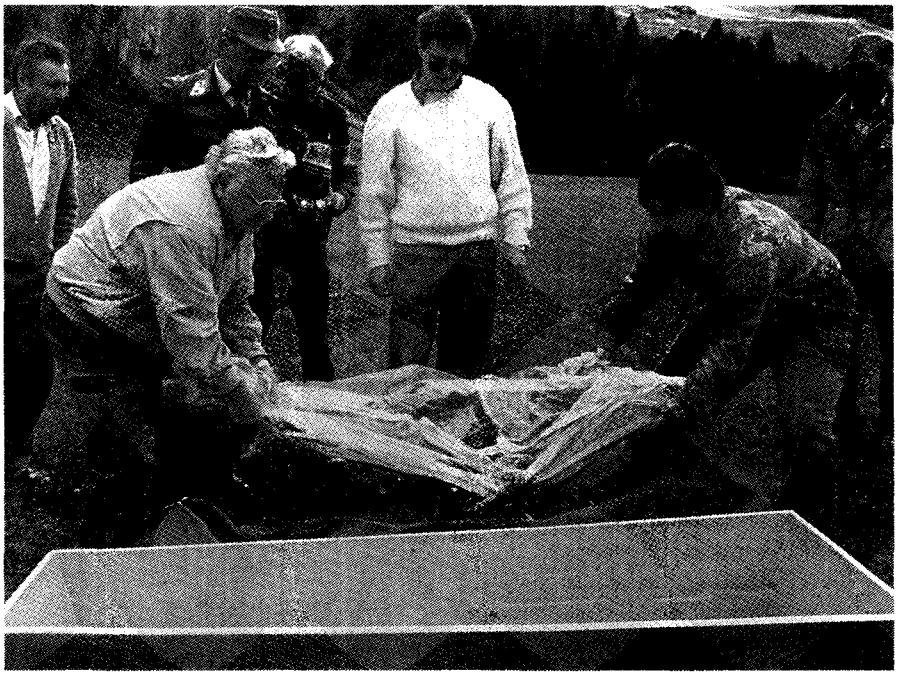
FOR THE first few weeks after the Iceman was found, Spindler and several other scientists at the University of Innsbruck struggled to stabilize the condition of the corpse and the artifacts. Werner Platzer, the head of the Institute of Anatomy, placed the body in a walk-in freezer set to mimic glacier conditions, with high humidity and a temperature just below freezing. At Spindler's request, the Roman-Germanic Central Museum in Mainz, Germany, one of Europe's most prestigious conservation workshops, agreed to restore and conserve the artifacts. From now on, Platzer would oversee research on the corpse, and Spindler research on the artifacts. Meanwhile, meteorologists, glaciologists, archaeologists, botanists, anthropologists, radiologists, and other scientists offered their services to Spindler and Platzer.

At this point, Innsbruck scientists reached a key conclusion that would drive their research and shape Spindler's later theory of the Iceman's demise. Rushing up to the pass, known as Hauslabjoch, two days after the corpse's recovery, Innsbruck glaciologist Gernot Patzelt and his team discovered a quiver full of arrows lying directly on rock, not far from the boulder on which the corpse had been found. The men also noticed shreds of the Iceman's leather clothing still clinging to the boulder. Since there was no ice between these artifacts and the ground, Patzelt assumed the gully had been free of ice at the time the man arrived. And because the corpse and artifacts were so well preserved, he further assumed that neither the corpse nor the majority of the artifacts, including the quiver, could have melted out of the ice and then been reburied since the time they were deposited.

Were the Iceman and his tools a pristine find, undisturbed since Ötzi's death five thousand years ago? The idea was breathtaking. Frozen for five millennia, the Iceman's last moments were right there for the scientists to reconstruct like detectives at a homicide scene.

IF THE ICEMAN was indeed a pristine find, all sorts of possibilities followed. The very ice that enclosed the corpse in 1991 would have formed at the time of the man's death. Innsbruck botanist Sigmar Bortenschlager found that samples of that ice contained pollen from about the same time of year the Iceman had been found, in mid-September. Could the ice have been contaminated with modern pollen? The researchers did not entertain this possibility, concluding instead that the coincidence was perfectly logical. After all, the first snows came in September. One heavy snowfall, perhaps even as the Iceman lay dying, could have covered and protected the corpse through the winter, eventually providing the basis for the glacier.

Work on the artifacts proceeded from the same assumptions. Markus Egg, a native Tyrolean who headed the conservation workshop in Mainz, had found that the objects were badly damaged. This condition was utterly typical of prehistoric artifacts. But because Egg and Spindler believed that nothing had altered since the Iceman died, the damage was suggestive to them. For instance, the wooden rod stitched to the side of the quiver was broken, but Egg and Spindler thought it looked as if someone—presumably the Iceman—had tried to repair it. The quiver contained fourteen arrow shafts, but only two had feathers and arrowheads, and both of those were broken. In addition, the longbow was incomplete, suggesting that it was a replacement. What had happened to his arrows and the other bow, Spindler wondered? And why were only the two finished arrows broken? Was there some connection between the broken arrows and the broken quiver? Had something happened to this man before his death?



AFTER RECOVERING THE ICEMAN, INNSBRUCK SCIENTISTS PLACED HIM IN A WALK-IN FREEZER SET TO MIMIC GLACIER CONDITIONS.

As the archaeologists pondered these questions, Bortenschlager and fellow botanist Klaus Oeggl set about the difficult task of recreating the environmental context in which the Iceman might have lived. In his records, Bortenschlager uncovered a pollen profile from a bog high in the Ötztal, within view of the Hauslabjoch. The profile showed that for millennia following the last period of glaciation, the area was covered by a natural grassland undisturbed by humans. But just a few hundred years before the Iceman lived,

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the land was converted to a pasture for domesticated animals. Not only were prehistoric people active in the area around the Hauslabjoch, Bortenschlager realized, but they employed a grazing strategy that has endured to the present day: The Ötztal is one of the few places in Tyrol where every year herders still drive their sheep into the high pastures, a practice known as the transhumance.

Entranced by these curious details and prodded by the media, few researchers could resist speculating about what the Iceman had been doing up there in the mountains with his broken tools. Some imagined him a hunter, or a surveyor looking for metal ore. One Innsbruck archaeologist, Andreas Lippert, suggested that the man was a shaman who had intended to carry out a mysterious ritual on the inhospitable pass. The Iceman's penis and testicles appeared to be missing, and this further fired certain scientists' imaginations. In an article for an Austrian archaeology journal, Lippert and Spindler suggested that the genitals "fell victim to predatory animals." They did not attempt to explain why the penis would have been particularly tempting to predators.

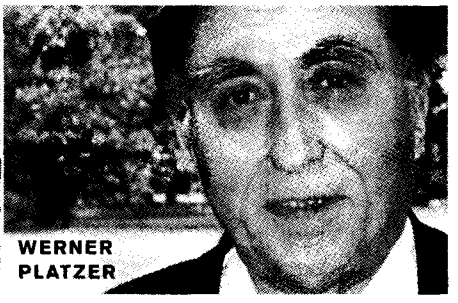
The scientists regarded similar musings by nonscientists as bizarre. Spindler kept a file labeled "Ötzi curiosa," which included the case of a Swiss woman who claimed that the Iceman was her long-lost father; letters from women inquiring whether they could be impregnated with Ötzi's sperm; and a report from a Vienna-based gay magazine that claimed scientists had found sperm in the Iceman's anus. (The anus, as it turned out, was long gone, demolished by the pneumatic chisel in the first recovery attempt.)

WITH SO much international attention fixed on the Iceman, Spindler, Platzer, and University of Innsbruck president Hans Moser undertook to commercialize their charge. The contract with South Tyrol permitted the university to profit from the corpse until the handover to Italy, and the university needed the money. Indeed, Platzer had estimated that the Iceman research would cost some ten million dollars.

On March 31, 1992, the project leaders issued a four-page contract to researchers. To protect the rights of potential financial sponsors, the contract restricted scientists' freedom to discuss or publish their work. Findings were to be disseminated only at press conferences in Innsbruck. Researchers who violated the agreement could be held "liable for damages in the amount of the damages caused, and can...be eliminated from the research, effective immediately," the contract read. An entirely new organization, the Research Institute for Alpine Prehistory, was established to manage the find and the business. Platzer, Spindler, and Moser were named its co-directors.

A handful of researchers balked at the contract. Bortenschlager refused to sign "out of considerations of principle and also legal dubiousness." Lippert, the archaeologist tapped to lead a follow-up excavation at the Hauslabjoch, initially refused to sign because he wanted to write a popular book on the Iceman. But Spindler, too, had plans for a book, and they trumped Lippert's. Under threats that he would not be allowed to lead the dig, Lippert finally signed, but then published his book in advance of Spindler's anyway, infuriating his former colleague.

KLAUS OEGGL


WERNER PLATZER

Meanwhile, dozens of researchers moved the project along, usually at their own expense, and faithfully passed the results on to Spindler or Platzer. Among the earliest projects under way were investigations into the Iceman's tattoos and the source of the flint in his tools. Although the university rector requested a comprehensive research program, neither Platzer nor Spindler ever came up with one.

THE JOURNALISTS who had flocked to the Iceman story were soon stymied by the terms of the Innsbruck contract. Photographers were prohibited from shooting the corpse and the artifacts, and Platzer, who had emerged as a rather grumpy gatekeeper to the corpse, wanted as little as possible to do with reporters. Deluged with scientists' requests for samples of the Iceman's organs, he seemed unconvinced that the corpse would yield much interesting data. He told one group of researchers that he did not believe ancient DNA could be extracted from the Iceman's tissue. Besides, Platzer's passion was conservation; taking samples from a corpse he was supposed to preserve for posterity seemed to undo him. Not until the summer of 1994 would he cut into the corpse's interior.

Despite the contract, and to Spindler's great annoyance, a number of quickie books on the Iceman hit the market in the early 1990s. Only one, *Die Ötztal Fälschung: Anatomie einer archäoligischen Groteske,* by Michael Heim and Werner Nosko, provoked a public response from Spindler and his team. The authors, a German journalist and an Austrian photographer, claimed that the Iceman was a castrated Egyptian mummy that, in a scheme involving Heinrich Himmler, several scientists, a California-based cult, and the celebrity mountaineer Reinhold Messner, had been planted in the ice, perhaps to provide a modern icon for the autonomous republic of South Tyrol.

According to Spindler, the day this book was published in 1993, Platzer headed into the freezer to examine the Iceman's genital area. To his surprise, he discovered that the allegedly missing penis was actually intact, though shriveled to the diameter of an old *haricot vert.* If Platzer's measuring device had worked in the chilly environment, he would have taken its precise dimensions.

It wasn't until three weeks later that the Innsbruck team revealed this new fact. The opportunity presented itself when Spindler, Bortenschlager, and the book's authors appeared on an Austrian talk show called *Club 2.*

"Who told you that the corpse was castrated and the testicles scooped out?" Spindler asked Heim.

As Heim started to answer, others jumped into the discussion. A moment later, Spindler's voice rose again with the

BRENDA COWLES (2)

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stunning new information. The penis, he said, was "there," and "in the scientific publications you'll see that."

"Where is it?" Heim snapped.

"It's there where it belongs, and if you don't know where that is, then—"

Then what? Heim was not a man? Bortenschlager laughed loudly. But Spindler was not done. When Heim pointed out that he had once asked whether the Iceman was a hermaphrodite, Spindler interrupted him again, "Such questions we don't even answer. What kinds of requests do you think we get!" He went on: "Women come to us and ask whether they can get sperm from Ötzi, and then people come and ask if Ötzi was a hermaphrodite. Do you think that we as serious scientists answer such ridiculous questions?"

By the end of the show, Heim and Nosko's argument was in a shambles, and Spindler had set the parameters of discussion for "serious scientists," especially regarding Ötzi's sexuality. What was more, Spindler had made it perfectly clear that he and Platzer wielded total control over the evidence. The public and even other scientists could only work with the facts as the project leadership supplied them.

WHAT questions, then, did Spindler think it proper to answer? And where was his own research headed? All this he unveiled in his 1993 book, *The Man in the Ice,* and in a paper called "The Iceman's Last Weeks" that he delivered at a conference that summer in Innsbruck. The Iceman, Spindler concluded from the botanical evidence, was a herdsman who "had spent the summer before his death with herds of sheep and goats in the high pastures of the Upper Ötz Valley."

Spindler went on to offer his "disaster theory." During the herdsman's absence, Spindler suggested, "there may have been changes in the situation of his family. The 'disaster' need not necessarily have been triggered off dramatically by jealousy; there may have been a confrontation in connection with the hierarchical order (a struggle for power)." Spindler did not elaborate on this intimation of adultery, but he postulated that the "violent confrontation" that followed had caused virtually all the damage to the man's possessions that he and Egg had observed. The Iceman's longbow had been either broken or lost, which required him to begin making a replacement. The quiver's closure and carrying strap had been torn off, and the support rod along the outside had been broken during the confrontation. Citing radiological studies, Spindler reported that the altercation left the Iceman with several extremely painful broken ribs on his right side. Despite this injury, he had managed to obtain new wood for his bow and arrows before heading to his death on the Hauslabjoch.

SPINDLER (AT LEFT)

SPINDLER HAS RECONSTRUCTED THE ICEMAN'S FINAL WEEKS OF LIFE IN COLORFUL NARRATIVE DETAIL. BUT IS THE STORY TRUE?

The media's response to Ötzi as fugitive was enthusiastic—the German magazine *Stern* paid the university $130,000 for a three-part series on the subject—but inside academe, many colleagues were skeptical. The evidence just did not seem to support the detail Spindler portrayed. The disaster hypothesis also came as an enormous surprise to almost every researcher on the project, including Bortenschlager and archaeologists in Italy with intimate knowledge of the northern Italian Neolithic. Reviewers of Spindler's book, though they praised the amount of data it revealed, inevitably pointed out what the British archaeology writer Paul Bahn, in the *Times Literary Supplement,* called Spindler's "regrettable tendency to slide from hypothesis to certainty.... It is in his account of the Iceman's death that Spindler reveals himself to be a frustrated novelist, anxious to pass beyond the limits of archaeological interpretation."

Though "The Iceman's Last Weeks" never appeared in a peer-reviewed journal, a watered-down version of the theory, written by Spindler, Platzer, and several other key researchers, was published in the *Journal of Archaeological Science.* And despite academic discouragement, Spindler took his disaster story on the road, lecturing in cities from Australia to the Americas—and, as permitted by the contract, pocketing fees as high as five thousand dollars. His stump lecture changed little over the next two years: By the summer of 1995, he had delivered it more than sixty times.

EVEN before Spindler peddled his disaster hypothesis on the lecture circuit, it had already begun to unravel. Though Spindler attributed the man's rib breaks to the fight, the radiologists had always said that they might just as well have occurred after the man's death or during the rough recovery. Meanwhile, tissue analysis by a forensic team at the University of Vienna revealed that, contrary to assumptions and appearances, the corpse had converted to adipocere before undergoing mummification. The Vienna scientists thus determined that the corpse had not been packed continuously in ice but had lain in water for at least a few months over the course of several seasons. The Innsbruck paleoethnobotanist Klaus Oeggl had been moving toward the same conclusion after analyzing thousands of shreds of organic

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A POLITICAL GROUP THREATENED TO PREVENT THE ICEMAN'S PUBLIC DISPLAY IN ITALY.

material recovered in Lippert's excavation. If the corpse and its possessions had been stored in water rather than ice, Oeggl realized, then their location and condition could hardly be assumed to be original. Though the adipocere findings were published in an official volume of Iceman results put out by the Research Institute for Alpine Prehistory, and the questions about the timing of the rib breaks were widely known, Spindler never addressed how they might affect his disaster hypothesis.

IN JANUARY of 1998, just a few weeks before South Tyrolean authorities were to take possession of the Iceman and put him on display in a brand-new museum in Bolzano, Spindler lodged a protest. In interviews with local papers, he raised questions about the quality of the museum's freezer and the ethics of the exhibit. The display, he complained, appealed to "really base instincts": Seeing a corpse added nothing to one's understanding of it. What's more, Spindler revealed, he was not alone in this opinion. Fourteen months earlier, he had received a threatening letter from a group calling itself the One Tyrol Task Force. The organization warned that it would "bring an end to the plan" to display the corpse in what it called the "southern part of Tyrol." The letter continued: "According to local custom and village law, he belongs directly on the Hauslabjoch or interred in the nearest cemetery."

The missive had been turned over to the authorities upon receipt, but officials in both Innsbruck and South Tyrol had agreed to keep it quiet so as not to draw attention to the organization. No one had ever heard of the group, and no one was apprehended in the case. But because South Tyrol had been the scene of terrorist acts in the 1960s, every threat was treated seriously.

Spindler's unilateral decision to make the disturbing letter public at this moment enraged South Tyrolean officials, especially the cultural affairs adviser Bruno Hosp, who had labored hard on behalf of the museum project and did not want to be reminded of the province's divided history on an occasion meant to celebrate unity. In a sharp reply, he noted that Spindler was "displaying" and profiting off the Iceman in his frequent lectures and slide shows, even while scorning the public's curiosity about the frozen body. Spindler had shown photographs of the Iceman's naked corpse, yet he was complaining that the Bolzano display would be particularly disrespectful because it would exhibit the Iceman nude. Was the gaze of a scientist more reverent than that of the public?

Of course, the same questions Spindler raised about the museum's display could have been raised about the Innsbruck investigation. It had not been a foregone conclusion that the Iceman would end up conserved in a freezer under glacial conditions so as to be available for research. Those in charge could have opted to rebury the

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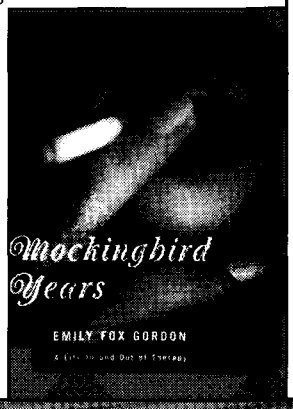

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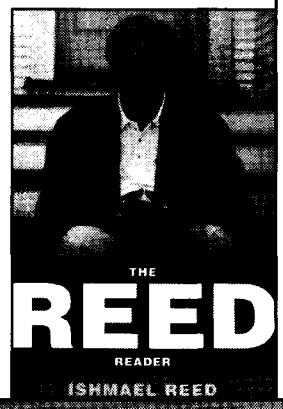

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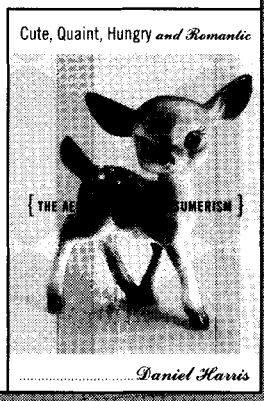

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man in the glacier, as someone had suggested at the start. They could have done what Canadian archaeologists did in the early 1980s when they found several icy graves belonging to sailors from the nineteenth-century expedition of Sir John Franklin: They opened the graves, did a little research, and then sealed the graves back up again.

But the Iceman was not returned to the Hauslabjoch, nor did he remain in Platzer's care. Rather, true to the original agreement, the corpse was trucked, under armed guard, from Innsbruck over the Brenner Pass to Bolzano in January 1998. Two months later, it was put on display at the new South Tyrol Museum of Archaeology.

EVEN AFTER the Iceman left Innsbruck, researchers continued to gather new evidence—much of it contradicting Spindler's disaster theory. Among the thousands of bits of organic matter recovered during the 1992 excavation at the site, Oeggl found three chips of wood that had apparently remained frozen in the ice at the time of the Iceman's discovery. Reassembled, the bits formed part of a broken arrowshaft. If, as Spindler's story assumed, nothing had moved since the Iceman died, how had those pieces gotten out of the quiver?

Oeggl believes that little, if anything, was found in the place it had been at the time of the Iceman's death: not the quiver, not its contents, and not the bow. Even the position of the corpse was open to question. The Iceman, Oeggl believed, did not lie down on the boulder to die. Instead, the corpse had come to rest on that site. The Simons had discovered not the pristine scene of a fifty-three-hundred-year-old death, frozen in time, but a typical archaeological site, heavily and repeatedly disturbed.

Oeggl's analysis of pollen from the Iceman's gut shows that the man died not in the autumn, as the pollen in the ice sample indicated, but in late spring. Other botanical evidence supports this finding. Assuming, as the glaciologists do, that the climate in 3300 B.C.E. was similar to that of today, then the pass would have been covered in deep snow when the Iceman arrived. No wonder, then, that Ötzi was wearing boots with the bottoms of his leggings stuffed inside! As he approached the Hauslabjoch on that late-spring day five millennia ago, his bow and arrows might have been unfinished, but nothing was broken. Oeggl believes that the breaks in the quiver rod and the arrow shafts must have happened under great stress, perhaps during a fall. The workings of water, wind, and ice, and possibly people and animals, could account for much of the other damage.

What befell this Neolithic wanderer in that barren gully five thousand years ago? Why was he there, and how did he die? The Iceman, Oeggl suggests, did not stop willingly on the Hauslabjoch. Beyond that? Oeggl readily admits that he simply does not, and cannot, yet know.

Brenda Fowler is a freelance writer based in Chicago and a regular contributor to *The New York Times*. This article has been adapted from *Iceman: Uncovering the Life and Times of a Prehistoric Man Found in an Alpine Glacier*, published by Random House.
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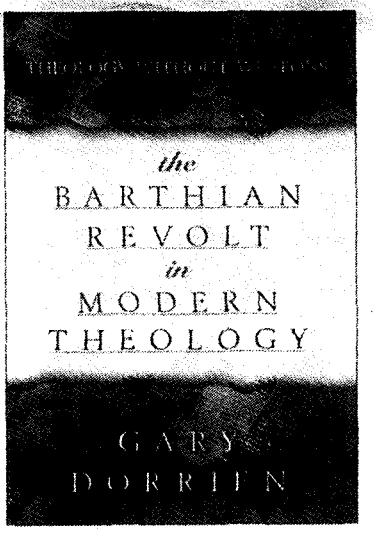

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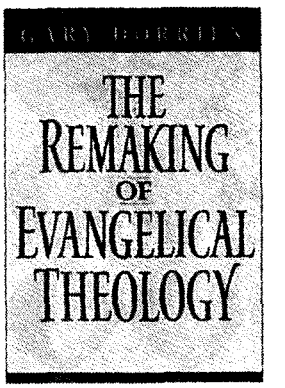

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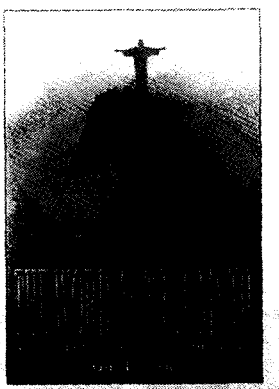

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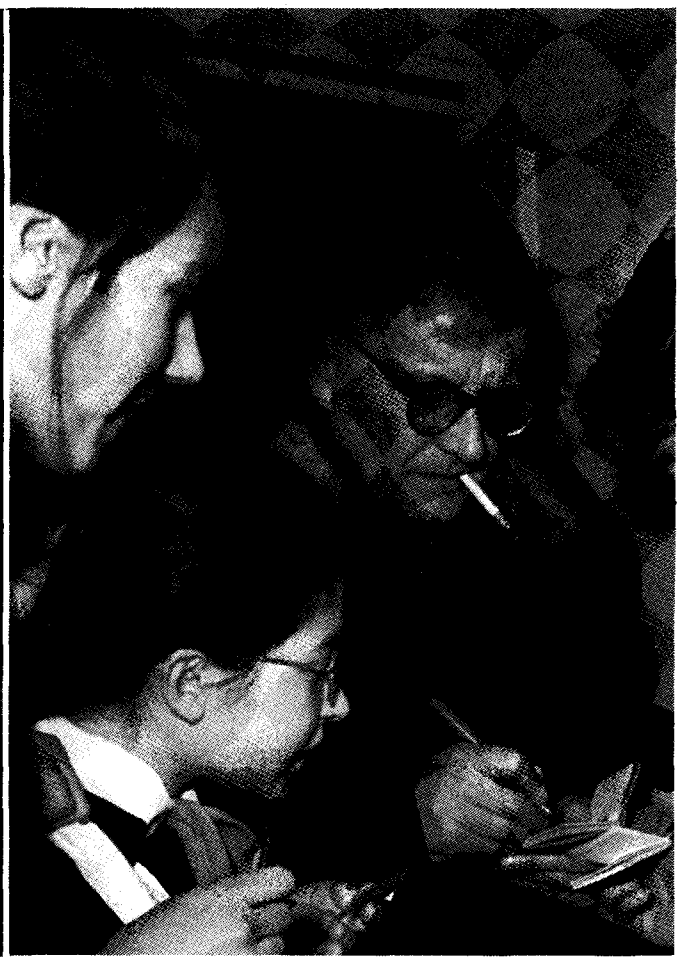

THE SHOSTAKOVICH

There is something suspicious about music, gentlemen. I insist that she is, by her nature, equivocal. I shall not be going too far in saying at once that she is politically suspect.
—THOMAS MANN

IF THE EPIC TRAGEDY OF SOVIET history were ever made into a film, the music of Dmitri Shostakovich would undoubtedly provide its soundtrack. At the piercing blast of a factory whistle (courtesy of Shostakovich's Second Symphony), peasants and workers would crowd the squares of 1917 Petrograd. The madcap 1920s, when Soviet Russia's last capitalists flaunted their wealth and Western tastes, might be accompanied by the inspired silliness of "Tea for Two" from the ballet *The Golden Age*. And as the bitter night of Stalinism spread its gloom over Soviet Russia in the 1930s, an oboe would sing out in quiet anguish from the Fifth Symphony's Largo. Finally, the Seventh Symphony's "invasion theme"—an insipid scrap of a tune plucked out on hushed strings—would build gradually and inexorably into an earsplitting military march, as Hitler's armies approached and then encircled Leningrad. In fact, with music this powerful, making a film might be superfluous.

Shostakovich speaks a musical language that is familiar as well as evocative. He is heir to Gustav Mahler rather than Arnold Schoenberg. His melodies may not be hummable, and his harmonies may be sharp and astringent, but his music remains rooted in the grand symphonic tradition of the nineteenth century. Though he experimented with twelve-tone composition in his later years, he embraced tonality. He was the last great composer to work almost exclusively in the traditional genres of classical music: the symphony, the concerto, the string quartet, the keyboard prelude and fugue. The result is a body of work of both emotional power and technical achievement. Shostakovich is that rarest of breeds: a genuinely popular twentieth-century composer.

Perhaps because the music is so accessible, audiences have wondered about the man—and the troubled age in which he lived. Born in 1906, Shostakovich spent his entire creative life as a citizen of the Soviet Union. When he died in August 1975, his *Pravda* obituary hailed him as a "loyal son of the Communist Party." The London *Times* agreed. Shostakovich was the "greatest figure in Soviet music

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DMITRI SHOSTAKOVICH

VARIATIONS

WAS HE A DISSIDENT? WERE HIS MEMOIRS GENUINE?

BY **PAUL MITCHINSON**

over the last two decades," the *Times* wrote, who "saw himself equally as a Soviet citizen and a composer." Perhaps it was inevitable that his music came to be understood as a faithful reflection of pro-Soviet politics. He composed a song for the Soviet cosmonaut Yuri Gagarin to sing in outer space and signed a letter denouncing Andrei Sakharov. His best-known musical offerings—the fifteen symphonies—were in many cases burdened with dedications that invited a political reading: "October," "The First of May," "The Year 1905," "The Year 1917."

But in October 1979, four years after the composer's death, Harper & Row published a book that cast doubt on his Soviet credentials. A manuscript purporting to be the memoirs of Dmitri Shostakovich had been smuggled out of Russia by a young Soviet music journalist who claimed to have interviewed the aging composer at length. It would become one of the most explosive documents of the Cold War and one of the most controversial books on music published in the twentieth century. The Shostakovich who emerged from its pages was not the legendary "loyal son of the Communist Party" but a bitter man who despised Soviet power. Audiences, it seemed, had got the political message in his music exactly wrong.

"The majority of my symphonies are tombstones," this Shostakovich told his interlocutor. "Hitler is a criminal, that's clear, but so is Stalin.... I haven't forgotten the terrible prewar years. That is what all my symphonies, beginning with the Fourth, are about, including the Seventh and Eighth."

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Testimony, the book's dust jacket read, *The Memoirs of Dmitri Shostakovich as Related to and Edited by Solomon Volkov.* But are the memoirs genuine? And if so, what do they tell us about the music? After twenty years of debate, scholars of Shostakovich seem more bitterly divided than ever.

SOLOMON Volkov was a sixteen-year-old student at the high school affiliated with the Leningrad Conservatory when he met his idol. In 1960, after writing an enthusiastic review of Shostakovich's Eighth String Quartet, Volkov was introduced to the fifty-four-year-old composer. It was the start of a relationship that would be marked by respect and trust, if not close friendship.

Several years later, in the late 1960s, Shostakovich agreed to contribute to the preface of Volkov's first book, a study of Leningrad's young composers. Volkov reports that he interviewed Shostakovich at length about his former composition students, prodding the reluctant and notoriously private composer to reminisce about his youth. Volkov claims he "had to resort to trickery: at every convenient point I drew parallels, awakening associations" in order to overcome Shostakovich's reserve. Unfortunately, Volkov says, the Soviet censor expunged these biographical details when the book was published in 1971.

According to Volkov, this act of censorship provided the "final powerful impetus" for the creation of *Testimony.* The self-effacing and hesitant Shostakovich was transformed into an eager memoirist. "'I must do this, I must,' [Shostakovich] would say. He wrote me, in one letter: 'You must continue what has been begun.'"

At first, Volkov says, he and Shostakovich met at a retreat belonging to the Union of Composers in Repino, near Leningrad. Later, when Volkov became a senior editor at *Sovetskaya muzyka,* the official journal of the Union of Composers, Shostakovich invited Volkov to his Moscow apartment, which happened to be in the same building as Volkov's office. They used no tape recorder, since Shostakovich would "stiffen before a microphone like a rabbit caught in a snake's gaze." Volkov scribbled down the composer's words in shorthand.

As the "mound of shorthand notes" grew higher, Volkov says, he "divided up the collected material into sustained sections, combined as seemed appropriate.... Shostakovich read and signed each part." In this way, Volkov says, the manuscript of *Testimony* took shape. This piecemeal method is reflected in the book's digressive, rambling style. But the composer apparently liked it, for he affixed his signature, along with the Russian word *chital* (read), on the first page of each of the manuscript's eight chapters. According to Volkov, the composer's only demand was that the book be published after his death.

Shortly after Shostakovich died, Volkov immigrated to the West. His precious manuscript had already been smuggled abroad. The original shorthand notes were left behind and have never been located.

Speaking from his New York home almost thirty years later, Solomon Volkov still considers the book a miracle. *Testimony* was "a product of this crazy era, with all the anxieties and all the imbalances that were typical of it," he reflects. "I was nervous because I was a young neophyte music journalist. Before me was a genius who was also under a lot of pressure, and this colored the whole situation irrevocably."

Western critics greeted *Testimony* with enthusiasm, praising its depiction not just of Shostakovich and his music but of cultural life in the Soviet Union generally. Harold C. Schoenberg raved about it in *The New York Times Book Review,* calling it a "serious indictment of past and present Russia, as well as the recollections of a life apparently spent in fear and despair." The London *Times* called it the "book of the year."

In the Soviet Union, however, the book was denounced as a fraud. Just two weeks after *Testimony* was published, the Moscow weekly *Literaturnaya gazeta* printed a letter signed by six Soviet composers—students and friends of Shostakovich's—declaring it a "pitiful forgery." When a *New York Times* reporter visited the composer's widow, Irina Antonovna, in her Moscow apartment, she claimed that Volkov had only met with her husband "three or maybe four times," clearly not frequently enough to create a book-length manuscript. But Westerners suspected that these public denunciations were coerced—examples of the double life Soviet citizens were compelled to live, and to which *Testimony*'s Shostakovich bore witness.

ONE OF Volkov's earliest supporters was Berkeley's Richard Taruskin, then a young assistant professor of music at Columbia University. In 1976, after meeting Volkov and discussing the memoirs, Taruskin wrote a glowing letter of reference to support Volkov's application for a research fellowship at Columbia's Russian Institute. It was a letter Taruskin would come to regret.

Laurel Fay was a graduate student in musicology at Cornell University when she heard rumors of *Testimony*'s impending publication. In April 1978, while finishing a dissertation on Shostakovich's late string quartets, Fay eagerly wrote to ask if she could be of any assistance to Volkov. "I understand that you have unique material concerning Shostakovich," she wrote. "Is it possible that you have an autobiography?"

The letter was "very naive," she now admits. Shortly after she began reading *Testimony,* her attitude changed. "Something just didn't feel right," she says. "It was all just a little too convenient, both in terms of the explanation of the genesis and the background and then in the actual text itself." The tone also puzzled her. *Testimony* is filled with biting sarcasm, bitter recrimination, and gossip. Apart from a warm tribute to his mentor, Alexander Glazunov, Shostakovich says nothing about his life's happy moments and expresses little gratitude. And why would Shostakovich, a devoted father and husband, recklessly endanger his family by agreeing to publish such a frontal attack on the Soviet system?

But there was something even more troubling. "I began to realize that I'd read some of this material before," Fay says, although at first she couldn't identify where. The breakthrough came in November 1979, when the musicologist Simon Karlinsky published a review of *Testimony* in *The Nation.* Karlinsky noted that two substantial passages in *Testimony*—a book said to derive entirely from interviews with the composer—had already appeared in print under Shostakovich's name in Soviet publications. "Then it all began to click for me," Fay says, "and it didn't take me very long then to find another five passages." She presented her findings in April 1980 at a meeting of the Midwest chapter of the American Musicological Society. Indiana University musicologist Malcolm Hamrick Brown

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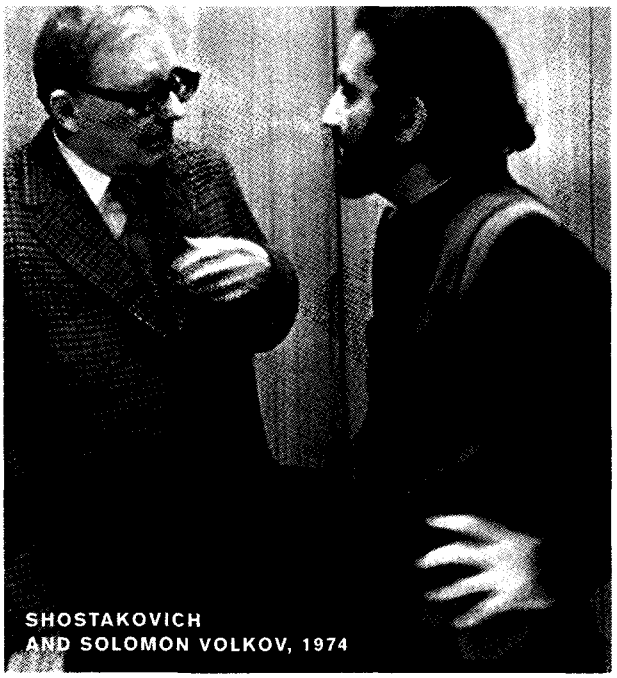
invited her to publish her research in *Russian Review*, an academic journal put out by Stanford University's conservative Hoover Institute.

The article, titled "Shostakovich Versus Volkov: Whose *Testimony*?" appeared to deliver a shattering blow to Volkov's credibility. For example, one passage in *Testimony*, the composer's reflections on Stravinsky, reproduced an earlier text verbatim. Paragraph breaks, parentheses, dashes, and quotation marks remained in their original positions. Other passages paraphrased the material they reproduced, but the borrowing was no less egregious: Shostakovich's reflections in *Testimony* on the Russian theater director Vsevolod Meyerhold apparently derived from an article he published in *Sovetskaya muzyka* while Volkov had worked there as a senior editor. As Fay has recently pointed out, the introduction to the original *Sovetskaya muzyka* article was attributed to none other than "S. Volkov."

Nonetheless, Volkov claims never to have heard of the original sources of any of the material reproduced in *Testimony*. "No, no," he insists over the phone, "if I did I wouldn't have included it of course." Asked about Shostakovich's *Sovetskaya muzyka* article about Meyerhold, for which Volkov apparently wrote the introduction, Volkov responds: "I can assure you that there wasn't a single staffer who would read the current issue of the magazine in its entirety. Material dealing with Shostakovich was appearing in almost every issue."

Adding to the mystery, almost every borrowed passage in *Testimony* appears on the first manuscript page of a chapter—on the only pages that Shostakovich actually signed. (The manuscript pages in question were reproduced in the German and Finnish editions of *Testimony*.) In other words, Shostakovich's authentications appear where no authentication was necessary. After the page is turned, the text begins to diverge, sometimes dramatically, from its original source. A striking example occurs in chapter 5, during Shostakovich's discussion of his Seventh Symphony. "I wrote my Seventh Symphony, the 'Leningrad,' very quickly," *Testimony*'s Shostakovich says at the chapter's start, quoting a previously published article. "I couldn't not write it. War was all around. I had to be with the people, I wanted to create the image of our country at war, capture it in music.... I wanted to write about our time, about my contemporaries who spared neither strength nor life in the name of Victory Over the Enemy."



SHOSTAKOVICH AND SOLOMON VOLKOV, 1974

VOLKOV PRODDED THE NOTORIOUSLY PRIVATE COMPOSER TO REMINISCE.

On the next page, however, the composer says something radically different: "The Seventh Symphony had been planned before the war and consequently it simply cannot be seen as a reaction to Hitler's attack. The 'invasion theme' has nothing to do with the attack. I was thinking of other enemies of humanity when I composed the theme." As Fay asked in her article, "Is it possible that Volkov misrepresented the nature and contents of the book to Shostakovich just as he may be misrepresenting them to the reader?"

Volkov did not reply to an invitation by the editors of *Russian Review* to respond to Fay's allegations, and he has tightly controlled access to the manuscript. According to Volkov, it is now in the hands of a private collector.

ALTHOUGH many academics considered *Testimony* discredited, the book continued to be a much-cited source throughout the 1980s. Despite its disputed origins, it provided an alternative to the Soviet-sanctioned image of Shostakovich as a "loyal son of the Communist Party." Some of the book's revelations had been whispered about in the Soviet Union for years: The Fifth Symphony's radiant finale was "forced rejoicing"; the marching and gunshots in the Eleventh Symphony ("The Year 1905") alluded to the Soviet suppression of Hungary in 1956.

Whether or not *Testimony* was the authentic voice of Shostakovich, it seemed true to a widely shared understanding of him. After Maxim Shostakovich, the composer's son and a world-renowned conductor, defected in 1981, he was reluctant to disavow *Testimony*, because of his hatred for the greater distortions imposed on his father's memory by official Soviet biographers such as Sophia Khentova. "I hate, I *khhhate* her book," he told David Fanning in a May 1991 *Gramophone* interview. "She makes him look like a genuine son of the Communist Party."

It became common for writers to question the authenticity of *Testimony* while vouching for its basic message. For instance, in *The New Shostakovich* (Northeastern, 1990), Ian MacDonald, a British journalist, stated outright that Volkov's book was a "dishonest presentation." But MacDonald then offered his own evidence of political dissidence in Shostakovich's music. An example of MacDonald's style is his description of the Fourth Symphony, which the Party pressured Shostakovich into withdrawing: "A little strutting promenade for bassoons and giggling piccolo leads us into the hall where thrumming harps call the [Party] conference to order. A wan waltz (the composer?) enters and sits dejectedly while flute and piccolo trill the opening remarks in a mood of schoolboy hilarity...."

There is little doubt that Shostakovich

COURTESY OF SOLOMON VOLKOV

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could express political sentiments in musical language. Perhaps the most poignant example is his Eighth String Quartet (1960). Dedicated to the "victims of fascism and war," it opens with and obsessively quotes the composer's musical signature, the four-note sequence D, E-flat, C, and B. (In German musical notation, the names of these notes are D, S, C, and H, which spell out "D. Sch.," the Germanized form of Shostakovich's initials.) Snatches of earlier works by Shostakovich are heard, including his banned opera *Lady Macbeth of Mtsensk* and the revolutionary song "Tormented by Grievous Bondage" (one of Lenin's favorites). Shostakovich seemed to be telling his listeners, as clearly as he could, that he was fascism's victim, too.

ALLAN HO

DMITRY FEOFANOV

But none of the composer's other published works expressed political ideas so literally, and Shostakovich seems to have resented such easy paraphrase. In the *Slavic Review* in 1993, Taruskin upbraided MacDonald with a 1933 quote from Shostakovich himself: "When a critic...writes that in such-and-such a symphony Soviet civil servants are represented by the oboe and the clarinet, and Red Army men by the brass section, you want to scream!"

LAUREL FAY

Since the fall of Communism, new information about Shostakovich has come to light. In 1994, the British writer and cellist Elizabeth Wilson published *Shostakovich: A Life Remembered*, a collection of oral and written reminiscences by the composer's friends and colleagues. It is a largely sympathetic picture of a man tormented by his struggle to conform to political demands. Venyamin Basner, a close friend, argues that we should "discount the articles and statements that Dmitri Dmitriyevich 'signed'; we knew that they were meaningless acts to him, but served him as a public shield. His many courageous actions were taken in private." Galina Vishnevskaya, the great Russian soprano and the wife of cellist Mstislav Rostropovich, echoes this justification, and adds that Shostakovich "didn't worry about what people would say of him, because he knew the time would come when the verbiage would fade away, when only his music would remain."

But not everyone Wilson interviewed was so forgiving. Some felt Shostakovich crossed the line when he added his name to a letter denouncing Andrei Sakharov in 1973. "I felt that he had every right to refuse to write or sign such a letter," the composer Edison Denisov told Wilson; "in fact he was duty bound *not* to do so." After learning that Shostakovich had signed the denunciation of Sakharov, the theater director Yuri Lyubimov refused to shake the elderly composer's outstretched hand after a concert at the Union of Composers.

TWO YEARS AGO, Volkov's *Testimony* appeared to be destined for oblivion. Shostakovich, it seemed to many, had not dictated his memoirs, nor had he been much of a dissident. But in 1998, Allan Ho, a professor of musicology at Southern Illinois University Edwardsville, and Dmitry Feofanov, a concert pianist and practicing lawyer, published a book whose dedication was a call to arms: "To Solomon Moiseyevich Volkov," it read. Ho and Feofanov's *Shostakovich Reconsidered* (Toccata Press) brought the controversy over Shostakovich's memoirs back to life.

Ho and Feofanov met at the University of Kentucky in the 1980s. Ho was completing a dissertation on the piano concerto as a genre, and Feofanov was teaching. Their first collaboration was a reference work, *Biographical Dictionary of Russian/Soviet Composers* (Greenwood, 1989). They asked Volkov, then at work on a book of conversations with the choreographer George Balanchine, to write the entry on Shostakovich.

In the early 1990s, when they first began work on *Shostakovich Reconsidered*, Feofanov and Ho again approached Volkov, inviting him to contribute a thirty-page defense of *Testimony*. Volkov declined. "He was not the right person to do it," Ho says now, "because people wouldn't believe what he said." Instead, Ho and Feofanov took on the task themselves.

Of *Shostakovich Reconsidered*'s 787 pages, 300 refute Laurel Fay's twenty-year-old ten-page article. The book's structure parallels that of a trial, and its conclusions are harsh: It convicts Fay and her supporters of "subjective and selective editing of the facts," "inept scholarship," and "historical ignorance." It alleges that Fay has "difficulty reading plain English." Some of the evidence that Ho and Feofanov have uncovered corroborates the picture of Shostakovich presented in *Testimony*. Like most Soviet citizens, Shostakovich hid a complex private life behind a mask of Communist loyalty. The composer loved, for instance, to mock the stilted and formalistic language of Soviet bureaucratese in his letters to friends. Other evidence buttresses *Testimony*'s claim to authenticity. Ho, Feofanov, and a research assistant in Moscow have collected written and oral statements by several of Volkov's former colleagues who say they knew of Volkov's Shostakovich project at the time.

Then there is the piece of evidence that Ho calls a "smoking gun." In 1996 Shostakovich's close friend Flora Litvinova reported that the composer had once told her he had been meeting "constantly" with an unnamed young Leningrad musicologist who had "dug everything up, even my youthful compositions.... I tell him everything I remember about my works and myself. He writes it down, and at a subsequent meeting I look it over." Shostakovich may, however, have been telling Litvinova about the interviews he granted for the preface of Volkov's first book on Leningrad composers.

Responding to Fay's observation that *Testimony* reproduced passages previously published elsewhere, Ho argues that Shostakovich's prodigious memory allowed him to quote himself at length. He points out that Shostakovich often repeated certain stock phrases verbatim. (For instance: "That Sonata of yours is an interesting, good music. I liked it, I would say, a lot.") He also notes that the composer often retold the same stories. But could an aural memory reproduce texts so exactly and at such length? And if it could, would a note taker punctuate it the same way twice? Even Ho recognizes the difficulty:

TOP: SOUTHERN ILLINOIS UNIVERSITY; DIMITRY FEOFANOV; LAUREL FAY

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"I think I'll always have some doubt," he reflects, "because these recyclings are hard to explain with 100 percent certainty."

IN THE CASE OF Dmitri Shostakovich, musicologists have not always debated in a cool, scholarly tone. Malcolm Hamrick Brown, the Indiana musicologist who encouraged Fay's research back in 1980, has called Volkov a "liar" in print. Though she now regrets it, Fay once referred to MacDonald's book as a "moronic tract" at an American Musicological Society meeting. Taruskin, as any reader of *The New York Times* or *The New Republic* knows, is a polemical writer and has compared his opponents to both Stalinists and McCarthyites—sometimes on the same page.

But Ho, Feofanov, and their supporters may be winning this race to the bottom. Insults and invective crop up on virtually every page of the opening essay of *Shostakovich Reconsidered*. Ho and Feofanov regularly call into question Fay's scholarly integrity. In a fifty-thousand-word review posted on his Web site, MacDonald has dismissed Fay's recent biography of Shostakovich as a "dismal, devious, and at times dishonest book," since he believes she methodically erases evidence of the composer's political dissidence. MacDonald even claims to discern in the book "telltale signs of a pro-communist attitude." In January 2000, an impressive new low was reached by the British journalist Norman Lebrecht, who compared Laurel Fay to a Holocaust revisionist in the *Daily Telegraph*. When I mention Lebrecht's charge to Ho, he chuckles, then suggests that it was tit for tat: "This name-calling has been going on for some twenty years, coming from them against us."

In Fay's case, that may be unfair. She rarely mentions her opponents in print. (When she spoke in April at Princeton and at New York University, it was her first public response to Ho and Feofanov.) In *Shostakovich: A Life* (Oxford, 2000), Fay coolly presents verifiable details about her subject in a manner that downplays his engagement with politics. Her Shostakovich is a man nearly broken by the political demands imposed on him, but he does not assume the heroic proportions of a Solzhenitsyn. Fay refuses to portray his compromises with authority as secret attempts at political subversion.

In *The New York Times* last February, Joseph Horowitz called Fay's approach "inordinately dry-eyed." For example, Fay's opponents have characterized Shostakovich's 1948 song cycle, *From Jewish Folk Poetry*, as a valiant attempt to denounce the Soviet government's increasingly murderous sponsorship of anti-Semitism. Fay, however, sees it as the composer's good-faith attempt to abide by his pledge to the Composers' Congress to write melodies "infused with the essence of folklore." As Fay wrote in *The New York Times* in April 1996, "It was his rotten luck that of all the available nationalities, great and small, he just happened to pick the wrong 'folk' as his inspiration."

SHOSTAKOVICH AT HOME

SHOSTAKOVICH HID A COMPLEX PRIVATE LIFE BEHIND A MASK OF COMMUNIST LOYALTY.

LIKE FAY, many Russians who knew the composer have been doubtful about *Testimony*'s authenticity. Of Shostakovich's close friends and family, his daughter Galina has offered the most convincing endorsement. "I am an admirer of Volkov," she told Ho and Feofanov. "There is nothing false in [*Testimony*].... It represents, fairly and accurately, Shostakovich's political views, although there is too much 'kitchen talk' and anecdotes."

Her brother Maxim has been far more cautious. Shortly after his 1981 defection, he told the London *Sunday Times* that *Testimony* was "not my father's memoirs. It is a book by Solomon Wolkow [*sic*]." Less than two years ago, he told the *Los Angeles Times* that although he liked *Testimony*, "There are a lot of rumors in it, and like all rumors, some are true and some aren't." He singled out *Testimony*'s claim about the scherzo in the Tenth Symphony as an example: "Father never said it was a portrait of Stalin."

Many others have also refused to vouch for *Testimony*, among them Mstislav Rostropovich, Galina Vishnevskaya, Manashir Yakubov (the curator of the Shostakovich Family Archive), and the composer Boris Tishchenko. Tishchenko, who was Shostakovich's most prized pupil, helped arrange Volkov's interviews with the composer and attended at least one of them. Volkov thanked him in *Testimony* as "my distant friend who must remain nameless." Yet in his recently published correspondence with Shostakovich, Tishchenko condemns *Testimony* as "not the memoirs of Shostakovich, not even a book by Volkov about Shostakovich, but a book by Volkov about Volkov."

Tishchenko was one of the six Soviet composers who denounced *Testimony* in *Literaturnaya gazeta* in 1979, in the letter that most Western observers then believed

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to have been coerced. Apparently it wasn't. In June 1999, the daughter of another signatory wrote to *Izvestiya* that her father had been familiar with *Testimony* and had firmly believed it was a fake. Ho and Feofanov claim that yet another signatory, the Azerbaijani composer Kara Karayev, had been "undergoing treatment for a heart condition, [and] had been ordered to sign or be kicked out of the hospital." Yet Karayev's son, Faradzh, has emphatically denied this account to Laurel Fay.

Shostakovich's sixty-five-year-old widow, Irina Antonovna, also remains a skeptic about *Testimony*. Reached at her Moscow apartment, Irina stands by the story she told more than twenty years ago. "Dmitrich wanted to write his memoirs himself," she says, "but this had nothing to do with Solomon Volkov." Volkov met with her husband three times, she said, and the meetings lasted between ninety minutes and two hours. Since Shostakovich was ill and Irina was acting as his personal secretary and often his nurse, she rarely left him alone. The interviews were supposed to be published in *Sovetskaya muzyka*. "The rest," she insists, "came from Volkov himself."

Asked about the Russians whose accounts contradict Volkov, Feofanov responds by discrediting the individuals in question. He says that Irina Antonovna and Boris Tishchenko "in essence don't know what they're talking about." Irina's published interviews, Feofanov says, suggest that she is "primarily concerned about money, so maybe not getting money has something to do with it." About Maxim's guarded comments, Feofanov asks, "Does Maxim read English enough to read the book? I don't think so. I've heard him speak.... And with all due respect to Slava [Mstislav] Rostropovich, I happen to know that his English is not so hot either." Competence in English is an issue, because *Testimony* has never been published in Russian.

Shostakovich's widow raises an entirely different concern about Volkov's method. "So many of his books have been published after the deaths of those about whom he is writing," Irina Antonovna says. "After the death of Brodsky, after the death of Balanchine, after the death of Mitya—it's a very strange thing.... And the dead are unable to respond."

Indeed, Volkov has made a career for himself as amanuensis to Russia's dying cultural elite. He has published books of conversations with Balanchine (*Balanchine's Tchaikovsky*, 1985), the violinist Nathan Milstein (*From Russia to the West*, 1990), and the poet Joseph Brodsky (*Conversations With Joseph Brodsky*, 1998). His study *St. Petersburg: A Cultural History* (1995) relies heavily on these collaborations. Volkov's current project is a book of interviews with the great Russian pianist Vladimir Horowitz, who died just over ten years ago. Volkov is likable and well read, and he seems to have an extraordinary ability to win the confidence of interviewees. He attributes this to a "device" he has perfected over the years. If you want "to do a book with a star," Volkov said in 1992, then "tell him to start remembering about his friends. Then inevitably he will tell something about himself as well."

Volkov has admitted that collaboration is not without its tensions. As he wrote in

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the Russian weekly *Ogonyok* in 1991, "Sometimes, of course, bitter failures and resentments occur. The 'stars' make a fuss... and torment you." But Volkov believes he has learned a great deal since his book on Shostakovich. "If I'd known that [*Testimony*] would be such a controversial book for which accounting of day-to-day activities and material would be needed, maybe I would at least have tried to preserve all this material," he said at a press conference in New York City last year. "[I]t was my first big project in this genre. If I'd been wiser by twenty-five-plus years, then probably I would have handled it better. My book of conversations with Joseph Brodsky—my personal belief is that it's structured better than *Testimony*."

But structure was never the issue with *Testimony*. Authenticity was. And as Irina Antonovna points out, there are unsettling parallels between *Testimony* and *Conversations With Joseph Brodsky*. During the late 1970s and early 1980s, Volkov interviewed the Russian poet on several occasions, and Volkov's accounts of the interviews appeared in the émigré Russian press in Paris and New York. As Volkov himself admitted, the texts he published were the result of "long and careful 'montage' and editing." When Volkov approached a Russian-language publisher in New Jersey in 1987 about printing his interviews as a book, Brodsky wrote to the publisher about what he called "Volkov's little interviews [*interv'iushek*]." Brodsky insisted that the publisher "look them through before they're printed. THERE IS A MASS of purely stylistic RUBBISH." The deal fell through.

SHOSTAKOVICH'S DAUGHTER BELIEVES THE PURPORTED MEMOIRS ARE GENUINE. HIS WIDOW DOES NOT.

Volkov never showed Brodsky a manuscript of his book. The poet died in January 1996. Just a year later, a Free Press catalog for autumn 1997 announced the impending publication of *Conversations With Joseph Brodsky*, almost half of which consisted of previously unpublished material. In an advance version of the book sent to magazine and newspaper editors in July 1997, Volkov's preface referred to Brodsky as one of his "collaborators." Brodsky's literary executor, Ann Kjellberg, protested to the Free Press that the word was inaccurate, and the published preface does not call Brodsky a collaborator. "[A] completed book project," Volkov wrote, "is sustained by the belief of both parties involved that this particular arrangement is vital." Vital to Volkov, certainly, not to mention lucrative: He is the sole owner of copyright for both *Testimony* and *Conversations With Joseph Brodsky*, and he has never consulted with or offered any compensation to either the composer's or the poet's heirs.

Like the Shostakovich shorthand notes, the tapes of Volkov's conversations with

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Brodsky remain unavailable. Volkov has never released them. (He plans to donate them to St. Petersburg's Anna Akhmatova Museum sometime in the future.) Meanwhile, Dmitry Feofanov, acting as Volkov's lawyer, has issued Kjellberg a cease-and-desist order and has threatened to sue her for defamation if she persists in objecting to the book as unauthorized by Brodsky.

WHAT IS *Testimony*? It is a book based on at least some face-to-face interviews with Shostakovich. It is a vivid portrait of a brilliant composer living in difficult times. And it is a collection of rumors and anecdotes, many of which were such common currency in the Soviet Union of the 1970s that Fay and Taruskin heard them when they visited as exchange students. But can it be considered the authentic "memoirs of Dmitri Shostakovich"?

Testimony's defenders commonly portray the dispute as a final skirmish in the Cold War, a last desperate stand by Soviet apologists. "It's a matter of common knowledge," observes Feofanov, "that the last refuge of true Marxists is American academia." Somewhat dramatically, he also declares that the dispute is a "struggle for Shostakovich's soul."

In fact, the dispute is about a way of listening to Shostakovich's music, and to music in general—a way that *Testimony* encouraged. *Testimony*'s defenders become most enthusiastic when they discuss music in which they discern a dissident "message in a bottle": the Eighth Quartet, the Tenth and Eleventh Symphonies, and the *Antiformalist Rayok*, Shostakovich's vicious (and unpublished) caricature of his Stalinist persecutors, apparently written in the 1950s and 1960s. Feofanov has recently become intrigued by the possibility that the Twelfth Symphony "encoded" Stalin's initials.

But can anything be more impoverishing of music than a search for literal paraphrase? Once, after an evening spent performing his Seventh Symphony on the piano for friends, all of whom understood it to be "about" fascism and the war with Germany, Shostakovich confided to Flora Litvinova: "Fascism, of course. But music, real music, is never attached literally to a theme. Fascism isn't simply National Socialism. This music is about terror, slavery, the bondage of the spirit." Ironically, Ho and Feofanov have seized on Litvinova's recollection as evidence that the "invasion theme" of the Seventh Symphony "depicts Stalin and his henchmen."

Although deeply skeptical of *Testimony*, Margarita Mazo, a Russian émigré now teaching at Ohio State University's School of Music, finds the dispute over its authenticity unseemly. "For many of us [in the Soviet Union] listening to a new piece of Shostakovich was a sacred experience," she says, her voice breaking. "Was he a dissident or was he not? Was he a Communist or was he not?... He was so much more complex than that." She pauses, then adds, "Besides, can you tell music with words? Can you say with words what this music is about? If so then why do you need music?"

Paul Mitchinson is a freelance writer based in Toronto and a regular contributor to Canada's *National Post*. His article "All the Presidents' Tapes" appeared in the February *LF*.

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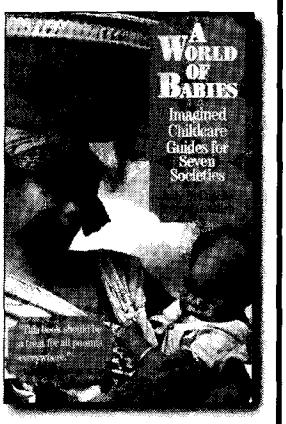

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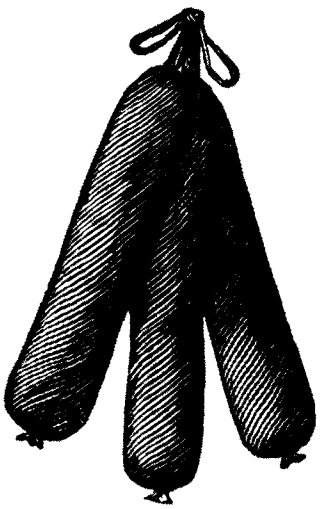

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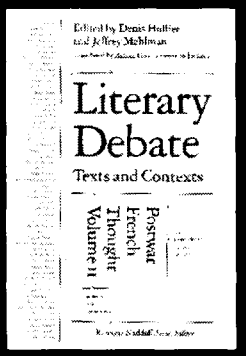

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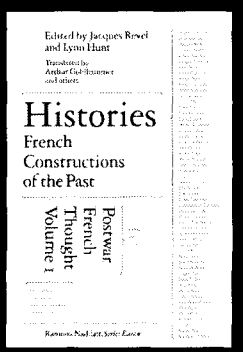

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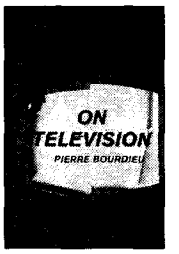

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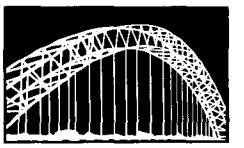

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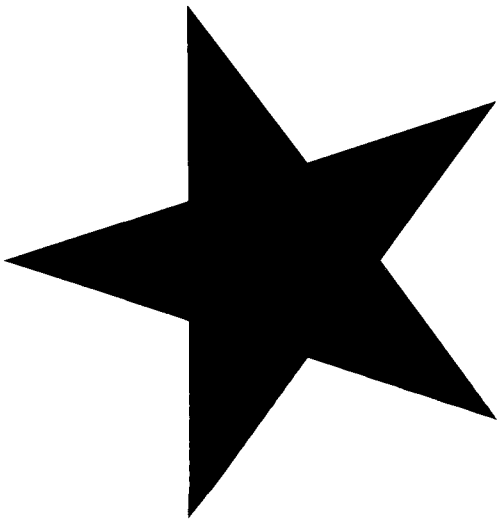
A FAREWELL TO ESPERANTO?

BY HAL COHEN

Imagine it: Your plane touches down at Charles de Gaulle and you take out your portable voice recognition–translation device. You set the dial to "Français." *Et voilà!* You are free to roam Paris without anyone sneering at your high school French. ★ Sound like science fiction? Machines that recognize your voice and translate your language have already converged. Prototypes of real-time devices are in use, and they will probably be on the market in a decade or two. ★ But before we shell out $299.99 for this shiny new gadget, let us pause to bid farewell to the dream of an idiomatic common ground—to the hope for mutual intelligibility and a linguistic brotherhood of man. Let us



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say good-bye to the Esperanto century.

Invented in the late nineteenth century by an eastern European ophthalmologist, Esperanto remains humanity's most successful attempt to create an artificial universal language. Even today, long after its glow has dimmed, it is spoken by two million people around the world and boasts a literature with tens of thousands of works. Of the many attempts at designed languages—informed students report as many as a thousand—only Esperanto has an active speaking community with its own literature, politics, and culture. In 1998, an Esperanto poet was nominated for the Nobel Prize.

Much of the language's appeal derives from its ease of acquisition: Teachers of Esperanto boast it's so simple that fluency can be reached three to fifteen times faster than with a natural language. But is simplicity enough to guarantee survival?

★

ARTIFICIAL LANGUAGES HAVE A LONG and little-known history, recently chronicled by the novelist and semiotician Umberto Eco in *The Search for the Perfect Language* (Blackwell, 1995). For more than a millennium, Europeans dreamed of recovering humanity's original language—the one spoken in Eden. They experimented with pictographs and a host of mystical codes.

Then, in the seventeenth century, Europe turned its attention to creating a "universal philosophical language." Thinkers famous (Francis Bacon and René Descartes) and not so famous (George Dalgarno and John Wilkins) attempted to create languages that were rational and perfectly transparent—lingua francas that could communicate ideas without ambiguity or distortion. They discussed, charted, and theorized their perfect tongues. Unfortunately, their efforts usually ended with little more than discussions, charts, and theories—a far cry from actual working languages.

In 1678, for example, the philosopher Gottfried Wilhelm Leibniz invented a language written entirely in numerals. Leibniz, better known as Newton's rival in the invention of calculus, was enchanted by the precision of numbers, which put to shame the sloppiness of words. Whereas the word "dog" might refer to a Rhodesian Ridgeback or a Hebrew National with mustard, "2" unfailingly means two.

As Eco explains, Leibniz tied the definition of a word to its numerical value. For example, if 2 were *eye* and 3 were *mind*, then 6 would be *visual perception*, since 2 x 3 = 6. This conceptual orderliness had an added advantage. If 5 were *ear*, then every speaker of Leibniz's tongue would know at once that since 6 is indivisible by 5, visual perception has nothing to do with ears. However tidy the scheme, Leibniz's approach did not catch on.

Nor did François Soudre's 1827 tongue, Solresol, which relied on a seven-tone musical scale instead of letters or numbers. Pity the tone-deaf.

DR. ESPERANTO

By the beginning of the twentieth century, the world was getting smaller in a hurry. International trade and travel were accelerating, and the telegraph and telephone were making instant communication a commonplace. Whereas rationalist philosophers had longed for a logically perfect language, modern-day politicians, scientists, and businesspeople had a more practical desire: to be readily understood. In 1903 the International Association of Scientific Academies' Delegation for the Adoption of a Universal Auxiliary Language reported a babel of some thirty-eight newly minted lingua francas.

Among the early attempts was Volapük. Acting on what he took to be divine instruction, a German priest proposed the language in 1879; a decade later, it claimed 283 clubs on three continents. But ceaseless fine-tuning ensured a quick death, as speakers found it impossible to keep up with innovations and improvements. Another effort was Latino Sine Flexione, dating from 1903. It employed Latin vocabulary stripped of grammar, allowing the speaker's mother tongue to determine word order. The result was a confusing mess. A later proposal was Basic English, so loathed by George Orwell that he lampooned it as Newspeak in his novel *1984*. Basic English was essentially English with a limited vocabulary and simplified grammar. It never caught on because Standard English speakers felt constrained by the 850-word vocabulary and non-Anglophones suspected that Basic English was not so much an alternative to English as a Trojan horse for it.

Then there is Esperanto. In 1873, Ludwik Lejzer Zamenhof, the polyglot son of a language teacher in the city of Bialystok, began experimenting with what would become his life's project: the creation of a universal auxiliary language. Though Zamenhof's father took these efforts as signs that his son was unbalanced and burned his notebooks, fifteen years later the younger Zamenhof—now an ophthalmologist by trade—published *The International Language: Preface and Complete Manual* under the pseudonym Dr. Esperanto ("Dr. Hopeful").

Zamenhof grew up as an assimilated Jew in Bialystok, in what is now Poland, where he witnessed constant antagonism between the city's ethnic groups—Poles, Lithuanians, Russians, Jews, Ukrainians, Germans, and Roma. "In that town," he wrote, "an impressionable soul might...become convinced at every step that the diversity of languages was the single, or at least the primary, force which divided the human family into unfriendly parts." He concluded—in what became known as the "interna ideo" of Esperanto—that if everyone shared an easy-to-learn, neutral tongue, political and national strife would disappear. And because Esperanto was intended as a shared *second* language, every group would be able to maintain its own distinctive language and culture.

A flag—green and white with a green star—and an anthem were created, and Esperanto developed into a distinct political and cultural community. Esperanto spread quickly among liberals, cosmopolitans, and pacifists. It counted among

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ZAMENHOF BELIEVED THAT IF EVERYONE SHARED AN EASY-TO-LEARN, NEUTRAL TONGUE, POLITICAL AND NATIONAL STRIFE WOULD DISAPPEAR.

its early supporters Bertrand Russell, Leo Tolstoy (who claimed to have mastered the language in four hours), and the Danish linguist Otto Jespersen. Despite repeated putsch attempts by French Esperantists, who were more interested in perfecting Zamenhof's language than in advancing his quixotic politics, Zamenhof supervised the movement from his base in Warsaw for twenty-five years. To ensure that Esperanto would not suffer Volapük's fate, Zamenhof forbade meddling with the grammar he outlined in his *Fundamentals of Esperanto* (1905).

In 1912, Zamenhof resigned as head of the Esperanto movement to devote more time to his utopian philosophy, Homaranismo (Esperanto for "humanism"), a theistic system based loosely on the work of the first-century rabbi Hillel. Unfortunately, few people—Esperantist or otherwise—took much of an interest. In any case, Zamenhof's work on Homaranismo was interrupted by World War I. Traveling in Germany when the war broke out, Zamenhof suddenly found himself an alien on enemy soil, and he was forced to make an arduous journey back home. He suffered through three years of privations on the eastern front before his death in 1917.

In its early days, the Esperanto movement was disproportionately Jewish, which inadvertently stoked European paranoia about purported global Jewish conspiracies. A similar line of thinking would later lead imperial Japan and Cold War America to suspect Esperanto of links to international communism. Esperanto eventually made the enemies lists of an impressive handful of dictators, including Czar Nicholas II (for being too utopian), Stalin (too bourgeois), Hitler (too Jewish), Franco (too antinationalist), Mao (too intellectual), and Khomeini (too Baha'i). But Esperanto has survived and has even, in modest ways, flourished.

★

ESPERANTO'S STAYING POWER IS DUE IN no small part to Zamenhof's design—what the Indiana University Slavicist Henry Cooper terms its "stability, logic, flexibility, adaptability, and oddball aesthetic quality." Each Esperanto letter has only one sound. In each word, the accent falls, without exception, on the penultimate syllable. There is only one definite article, *la,* which does not change according to gender or number, and there are no indefinite articles. Prepositions are only one word long (unlike English's "according to" or "in spite of") and always immediately precede their noun.

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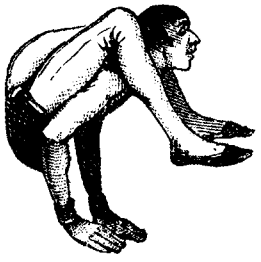

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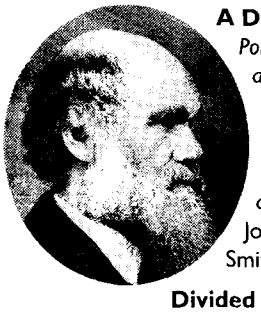

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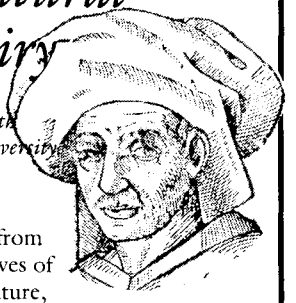

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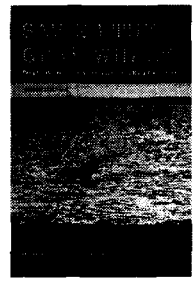

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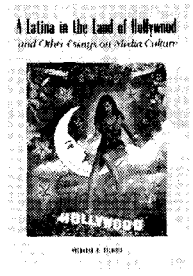

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The Esperanto alphabet has twenty-eight letters—the English alphabet minus *q, w, x,* and *y* and plus *ĉ, ĝ, ĥ, ĵ, ŝ,* and *ŭ*. The vocabulary is limited in an ingenious way. Zamenhof began with only 921 word roots. That number has since increased several times over but is still far short of the functional vocabulary of most natural languages. Esperanto compensates with a battery of thirty-odd prefixes and suffixes.

The add-ons serve a number of purposes. Some mark adjectives or adverbs, others plurals or genders. Or they may represent concepts. The suffix *-aro*, for example, means "collective idea." Thus an *arbaro* (forest) is literally "the collective idea of tree." While an English student must memorize the words *cow, bull, calf, herd, beef, cattle, veal,* and *bovine,* the Esperanto student simply learns the root *bov* and adds affixes as desired.

Like Latin, Esperanto has a special case ending, *-n,* for nouns acting as grammatical objects rather than as subjects. This frees Esperanto syntax from the strict word order that binds English speakers. The Esperanto sentences "La viro frapis la hundon," "La hundon frapis la viro," and "Frapis la hundon la viro" all mean the same thing. English speakers, by contrast, are more or less restricted to the subject-verb-object word order of "The man hit the dog."

Although Esperanto's grammar follows its own rules, its closest relatives are Slavic—no surprise, given Zamenhof's Polish background. The language's vocabulary, however, has a more Western flavor. Since the majority of European languages—English included—have Romance lexicons, Zamenhof took most of his roots from Latin. (Less frequently, roots came from Germanic and Slavic languages. And some roots he just made up.) Over the years, Esperanto's Slavic grammar and Latinate vocabulary have left it open to the charge of Eurocentrism.

Esperanto's appeal, however, is worldwide: There are speakers in China, Iran, Cuba, Brazil, Japan, and Madagascar.

★

BUT IS ESPERANTO NECESSARY? ONE strong reason to doubt it, of course, is the success of English. According to the retired linguist David Crystal, author of *English as a Global Language* (Cambridge, 1997), one in six people on earth are "reasonably competent" in English, and it is the most widely taught foreign language in the world. Does the world need *another* global second language?

With some indignation, Esperanto's advocates reply that their language is more truly universal—and easier to learn—than English. Claude Piron, a Swiss researcher, notes that many students never cross the threshold at which a foreign language becomes usable. Piron contends that the real difficulty is not learning a new language so much as unlearning the distinctive aspects of the mother tongue—irregularities, idiomatic constructions, and so on—and understanding that its deeply ingrained rules are in fact arbitrary.

Once students have been deconditioned by Esperanto, other foreign languages appear to be easier to learn. In a British experiment, students who studied six months of Esperanto followed by three years of French ended up speaking French as well as peers who spent four years learning French. Studies in Germany and the United States have produced similar results.

Of course, just because Esperanto is easy to learn doesn't mean it's worth learning. Its efficiency may come at the price of expressiveness. After all, the value of a language lies not merely in its ease of acquisition or its clarity of expression but in its range of meanings, its nuances and ambiguities, its color and quirkiness, its jostlings of sound and sense. As language scientists have repeatedly shown, speech does not simply transfer an idea from one brain to another. We also use language to send tacit messages about ourselves, our surroundings, and our listeners; we are playing and performing as well as persuading.

Esperanto supporters respond, modestly enough, that they never intended to replace natural language altogether. No one would expect two people who speak the same natural language to choose to communicate in Esperanto. But if they don't have any language in common, then they can't communicate at all. And if they do share a natural language but only one of them has spoken that language all his life, will they really be able to communicate with more subtlety and richness than they could in Esperanto?

Indeed, proponents contend that an Esperantophone world would preserve language diversity. The rise of global English

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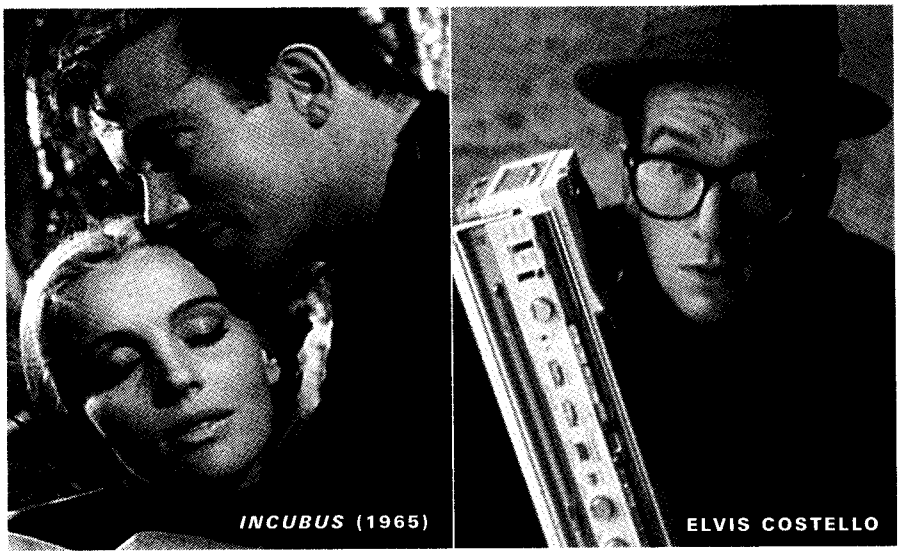

IRONICALLY, POP CULTURE SEEMS TO LIKE ESPERANTO FOR ITS INCOMPREHENSIBILITY.

is part of a larger process of language extinction that is seemingly heading us toward a six-language world in which only Arabic, English, French, Mandarin, Russian, and Spanish will survive. In *Vanishing Voices: The Extinction of the World's Languages* (Oxford, 2000), the anthropologist Daniel Nettle and the linguist Suzanne Romaine estimate that half of the world's languages have disappeared over the past five hundred years and that of the six thousand–odd tongues that remain only half will survive to 2100. One may debate whether English killed Cornish or Cornish committed suicide by deferring to English, but the result for Cornish is the same: Its last speaker has been dead 220 years. For better or worse, indigenous languages—and cultures—are being homogenized out of existence.

In the Esperantophone millennium, on the other hand, the language shared would not be the property of a dominant culture. There would be no language of power and thus no reason for language extinction. Languages with few speakers would no longer be thought of as threatened relics of dying cultures or impediments to entry into mainstream society. They would simply be local languages, nothing more and nothing less. Thanks to Esperanto, speakers of all languages would meet on equal terms.

With such thoughts in mind, perhaps, a number of internationally known figures have recently expressed interest in Esperanto, including Václav Havel, who served as high protector of the 1996 World Esperanto Congress in Prague, and Fidel Castro, who proclaimed himself "un soldado de Esperanto" at the 1990 World Esperanto Congress in Havana. The language's most eloquent exponent may be Umberto Eco, who has recommended the use of Esperanto in "the European Parliament, in airports, and in congresses."

At the same time, the international language has found an odd—and sometimes sinister—niche in popular culture. Take, for example, the Esperanto computer virus, designed to jump from PCs to Macs and display the following message in English and Esperanto every year on June 26, the anniversary of Esperanto's creation: "Never mind your culture, Esperanto will go beyond it. Never mind the differences, Esperanto will overcome them. Never mind your processor, Esperanto will work in it. Never mind your platform, Esperanto will infect it...."

Ironically, if Esperanto makes frequent pop-culture appearances, it is thanks to its near-universal *in*comprehensibility, which allows it to serve as an all-purpose foreign language. It's the language of the persecuted in Charlie Chaplin's 1940 Nazi spoof, *The Great Dictator.* Elvis Costello wrote Esperanto liner notes for his 1986 album, *Blood & Chocolate.* In the 1998 sci-fi dystopia *Gattaca*, the sterile, unrecog-

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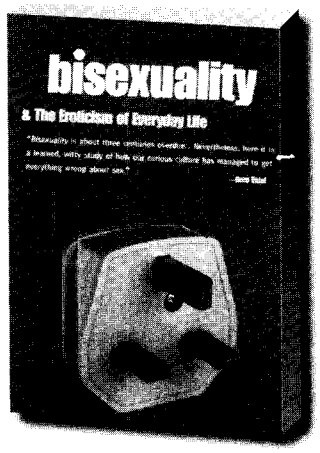

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nizable language on the public-address system is Esperanto.

Esperanto's most celebrated cinematic appearance, however, must be the recently rediscovered 1965 supernatural fantasy film *Incubus*. The only all-Esperanto feature film ever made, it takes place in Nomen Tuum (Latin for "thy name"). The screenplay was written in Esperanto to heighten the "nowhereness" of the setting. William Shatner stars as Marc, the one good man in the land. Nomen Tuum's other denizens are Marc's virginally good sister, two bad-but-beautiful blond succubi, and one preternaturally nasty incubus. The apparent moral of the movie—which features portentous eclipses, sacrifices to the God of Darkness, debates on chastity versus carnality, a villain who becomes a huge black ram when enraged, ritual rape, the raising of the dead, and a California Mission Revival church—is that gorgeous platinum blonds are trying to seduce you only because they want to steal your soul.

The talent involved was remarkable. *Incubus* was written and directed by Leslie Stevens, an alumnus of Orson Welles's Mercury Players who went on to create TV's *The Outer Limits*. The cinematographer was Conrad Hall, an eight-time Academy Award nominee who later shot *In Cold Blood, Butch Cassidy and the Sundance Kid,* and *American Beauty*. On a darker note, Ann Atmar (succubus number two) killed herself soon after the film's release, and Milos Milos (the incubus) shot Mickey Rooney's estranged wife and himself the following year. And William Shatner went on to become William Shatner.

★

WILL ESPERANTO GO THE WAY OF THE eight-track? Though it may claim superiority to global English, Esperanto probably can't compete with it. Unfortunately for the world's most rational language, even the rational-choice models look bad. Nobel Prize–winning economist Reinhard Selten and political scientist (and Esperanto enthusiast) Jonathan Pool recently used game theory to explore how people decide which secondary language to learn. Sadly, Selten and Pool determined that an artificial language like Esperanto will remain viable only if an unrealistically broad consensus of individuals continuously opt for compromise. So long as all roads lead to Wall Street, English will prevail.

The language still may find some succor on the Internet, which is a great democratizer of communication and a natural fit for a language whose speakers are scattered around the globe. Hundreds of Esperanto organizations now have Web pages, and several Esperanto periodicals now have online editions.

So Esperanto may be with us for some time yet. But even if it doesn't last—even if this is good-bye—Esperanto deserves respect for its century-long struggle to find an equitable common ground amid the confusion of languages. And if language extinction continues to accelerate, perhaps someday soon we'll want to take a new look at an old attempt at an entirely different model of globalization.

Hal Cohen is a contributing writer to *Lingua Franca*. His last article, "The Unmaking of Rigoberta Menchú," appeared in the July/August 1999 issue.

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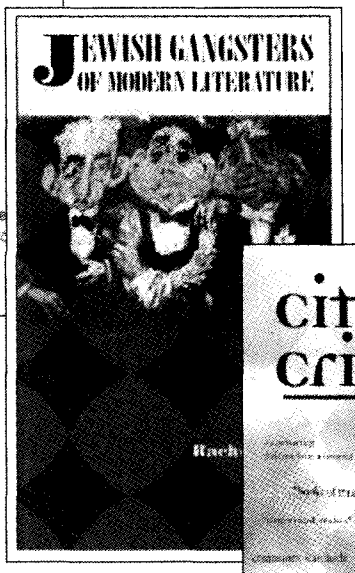

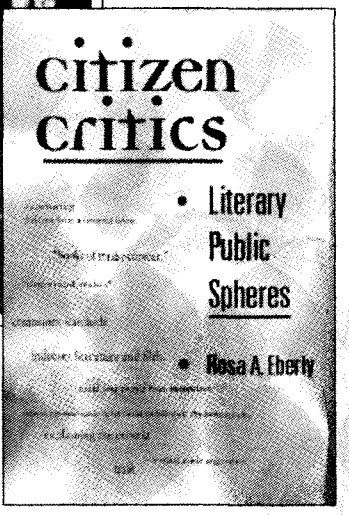

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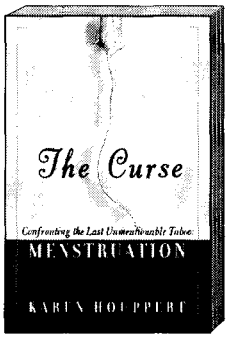

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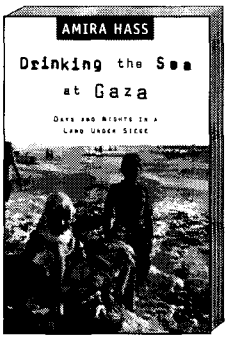

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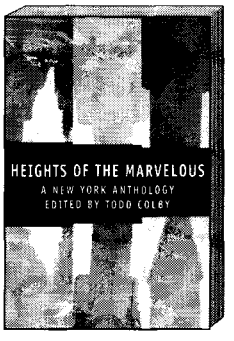

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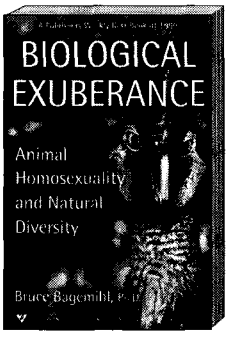

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At the very least, an interdisciplinary approach is mandated because the history of cinema cannot be separated from its interaction with other media. Any student who knows only about film knows little about film, let alone the culturally diverse and public formation that was, and continues to be, cinema.

MIRIAM HANSEN
Ferdinand Schevill Distinguished Service Professor in the Humanities
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CORRECTION

In "The Insider," we erroneously stated that Rick Altman supervised David Bordwell's graduate studies at the University of Iowa. The supervisor was Dudley Andrew.

NOTE

Lawyers for Ralph Schoenman have brought to our attention their client's concern that the article titled "Mr. Magee and the Evil Dwarf" [Field Notes, February] lent credence to charges about their client made by Brian Magee in his book *Confessions of a Philosopher.* After Mr. Schoenman filed a lawsuit in British court, Mr. Magee and his British publisher Orion agreed to retract the charges, and a full retraction was read in open court. Although we reported the court's decision and do not believe that the article reconfirmed the charges, we would like to make it clear that it was never our intention to lend credence to any of Mr. Magee's statements about Mr. Schoenman. It was our intention, rather, to report the facts of the case. Our readers are invited to consult the full text of the retractions made by Mr. Magee and the British publisher as stated in open court in the British High Court of Justice (Queen's Bench Division) at www.linguafranca.com.

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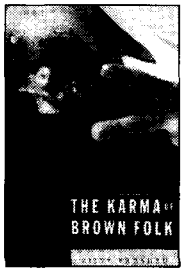
on the EDGE

The Karma of Brown Folk

VIJAY PRASHAD



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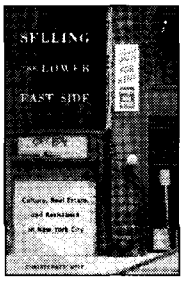
Selling the Lower East Side

Culture, Real Estate, and Resistance in New York City

CHRISTOPHER MELE



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Proust and Signs

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GILLES DELEUZE

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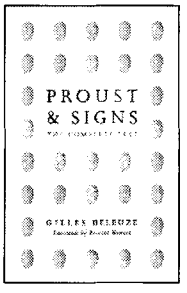

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SEEING THE DIFFERENCE

Announcing "Seeing the Difference/Seeing Differently: Viewing Death and Dying in Interdisciplinary Perspective," to be held at the Doreen B. Townsend Center for the Humanities, University of California, Berkeley. Clinicians join artists and humanists in an interdisciplinary discussion of what it means to die in contemporary America. With the ultimate purpose of assessing the implications for end-of-life caregiving, resource speakers from the three representative areas will address questions such as, When is dying? What is the margin between living and dying? How has technology altered our conceptions of death? How can we develop new forms of empathy for those who face imminent death? Resource speakers include Sandra Gilbert, UC Davis; Frank Gonzalez-Crussi, M.D. (Children's Memorial Hospital, Chicago); and photographer Jim Goldberg. Web: http://seeingthedifference.berkeley.edu

Berkeley, CA: June 1–2, 2000

100 YEARS OF MASS CULTURE

Announcing a call for papers and panels for an interdisciplinary conference sponsored by the Center for Cultural Analysis, Carnegie Mellon University. We seek to move beyond arguments about whether mass culture is good or evil to examine the products, practices, uses, and impact of mass culture in the United States and the world. Papers are welcome on all aspects of mass culture, including the content and form of its products, the organization and economics of its industries, its impact on social and political life, and the uses consumers make of it. Send proposals to David Shumway, English Department, Carnegie Mellon University, Pittsburgh, PA 15213; T: (412) 268-7176; E-mail: <shumway@andrew.cmu.edu> Deadline (postmark or e-mail) is June 30, 2000.

Pittsburgh, PA: September 29–October 1, 2000

DREAMS OF INTERPRETATION

"Dreams of Interpretation/Interpretation of Dreams" commemorates the 100th anniversary of the publication of Sigmund Freud's *Interpretation of Dreams*—an epochal book that has left an indelible mark on the last century. This conference looks both to the past and the future in its assessment of the Freudian legacy and seeks to address the following questions: What is the status of psychoanalytic theory today? At what new understandings of its history have we arrived? What is the future of psychoanalysis and its interventions in the clinic and in a wider cultural field? Contact: C. Liu, J. Mowitt, T. Pepper, University of Minnesota, Humanities Institute, 103 Nolte, 315 Pillsbury Drive SE, Minneapolis, MN 55455; Web: http://cla.umn.edu/umhi; E-mail Jakki Spicer <spic0015@tc.umn.edu>

Minneapolis, MN: October 5–7, 2000

ART, BODY, MIND: AN INTEGRATION

The College of Fine Arts at Ohio University presents an exploration of art as a process that is inseparable from how the body and the mind make a world. Invited artists and scholars: Mark Johnson, Lewis Hyde, Ellen Dissanayake, Nancy Aiken, Brian Hanson, Jacquelyn A. Lewis-Harris, Joseph Carroll, Carol-Lynne Moore. Power Boothe, Moderator. It is in the belief that the arts are an essential aspect of our embodied human existence that we come together to explore the wide-ranging implications of this approach. The keynote address: Mark Johnson, author of *Body in the Mind* and co-author of *Philosophy in the Flesh*. Registration info: Janis Carnahan T: (740) 593.1764; E-mail: <carnahan@ohio.edu>; Web: www.ohio.edu/continuinged/conferences. Program info: Pam Douglas (740) 593-0672; E-mail: <douglasp@ohio.edu>

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SPLITTING HAIRS

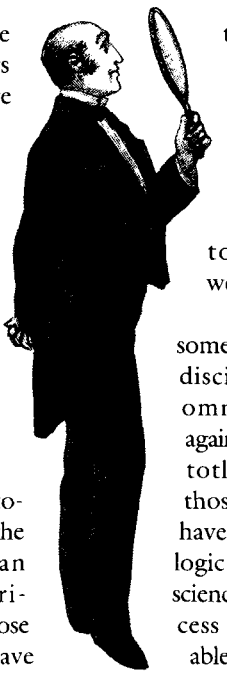
IS FUZZY LOGIC TRYING TO PULL THE WOOL OVER OUR EYES?

BALDNESS IS A FUZZY CONCEPT. Just consider: A man with a full head of hair is not bald. And if you remove a single hair from his head, he still is not bald. But if you repeat this inferential step, plucking a new hair at every iteration, eventually you arrive at the conclusion that a man with no hairs left is not bald—which, though perhaps reassuring to some, is absurd.

This baldness puzzle can be found in the writings of Diogenes Laertius. It is an example of a sorites (from *soros,* Greek for "heap"), a series of logical propositions designed so that each collapses neatly into the next and in the conclusion they all fold up like an accordion. Sorites paradoxes allegedly go back to Eubulides of Miletus in the fourth century B.C. They continue to irritate contemporary philosophers of language, who have responded by writing at length about vagueness. For engineers and computer scientists, these paradoxes have occasioned a more joyous creation: fuzzy logic.

Logically, there are three possible responses to the baldness paradox. First, you can assert that a single hair *can* be the difference between non-bald and bald. This move commits you to a cutoff point—a critical number of hairs—between baldness and non-baldness.

Second, you can admit that the adjective "bald" is irredeemably vague and try to purge it—and similar adjectives, like "poor" and "drunk," and nouns like "life" and "pornography"—from the language. This has been the dream of philosophers from Leibniz to Frege to Carnap, all of whom urged the construction of a new language in which each term would have a precise meaning.



Third, you can deny that a sentence like "Jones is bald" need be either true or false. That is, you can jettison the classical logic of Aristotle. During the 1920s, the Polish logician Jan Lukasiewicz experimented with a logic whose propositions could have fractional truth-values between 0 and 1. In 1937, the Cornell philosopher Max Black proposed using such a "many-valued logic" to analyze vague concepts. And in the 1960s, a Berkeley engineering professor named Lotfi Zadeh speculated that a many-valued logic capable of handling vague concepts might allow machines to reason as flexibly and intuitively as humans do. Zadeh gave the enterprise a catchy name: "fuzzy logic."

A mechanism controlled by Zadeh's fuzzy logic would use rules of thumb couched in the vague terms of everyday language. Take an air conditioner. It might have two rules: "If the room is cool, blow soft," and "If the room is warm, blow hard." At sixty-nine degrees Fahrenheit, the air conditioner's minicomputer might decide that the first proposition was 70 percent true, and the second proposition 30 percent true. So the air conditioner would blow at a rate that was 70 percent soft plus 30 percent hard. (As a practical matter, fuzzy-logic answers tend to come out as weighted averages.)

Zadeh spawned something of a cult. His disciples invoked the omnivalent Buddha against the bivalent Aristotle. And although those outside the cult have denounced fuzzy logic as "the cocaine of science," its practical success has been undeniable. In the early 1970s, engineers in London used it to control the operation of a small steam engine. By the 1980s, fuzzy rules were directing a driverless subway system in Sendai, Japan. The early 1990s saw a "fuzzy boom" in consumer products, with the introduction of hundreds of smart gadgets employing fuzzy logic—air conditioners, camcorders, washing machines. Today fuzzy logic is propelling "soft" computing, in which neural-net computers learn fuzzy rules that offer "good enough" solutions—all of which is nicely described by Arturo Sangalli in his recent book *The Importance of Being Fuzzy* (Princeton, 1998).

Not a bad legacy, one might think, for an antique paradox. And to champions of the fuzzy worldview, it's just the beginning. In *The Fuzzy Future* (Harmony, 1999), Bart Kosko—a self-described polymath with a fondness for meditating in hot tubs—argues that fuzzy logic is on the verge of ousting its binary rival in every aspect of life, from politics to warfare to art. (Some of this, it should be said, descends from fuzzy into woolly. Kosko's approach to the abortion issue, for instance, involves polling people to see at what point during pregnancy they believe personhood begins, then aggregating the data to draw a "fuzzy life curve.")

But practical success has done nothing to establish fuzzy logic's philosophical bona fides with its critics. In *Deviant Logic, Fuzzy Logic* (Chicago, 1996), the philosopher Susan Haack voices her conviction that "truth does not come in degrees" and argues that fuzzy logic sacrifices all the virtues of its classical counterpart, like formal rules of inference and provable consistency.

The deepest disagreement between the fuzzies and the anti-fuzzies, though, may be over where the vagueness really lies. Is it in us or in the world? It has been argued, for example, that Mount Everest is a vague object, like a cloud, because it is impossible to say whether certain molecules are inside it or outside it. Others contend that the world is precise, and vagueness is subjective—a kind of ignorance. Which brings us back to the first and most straightforward answer to the sorites paradox: Although our perception may be too gross to detect it, there may be an exact point at which a man moves from non-bald to bald. After all, to a supremely perceptive eye, the very hairs on your head are numbered.

JIM HOLT

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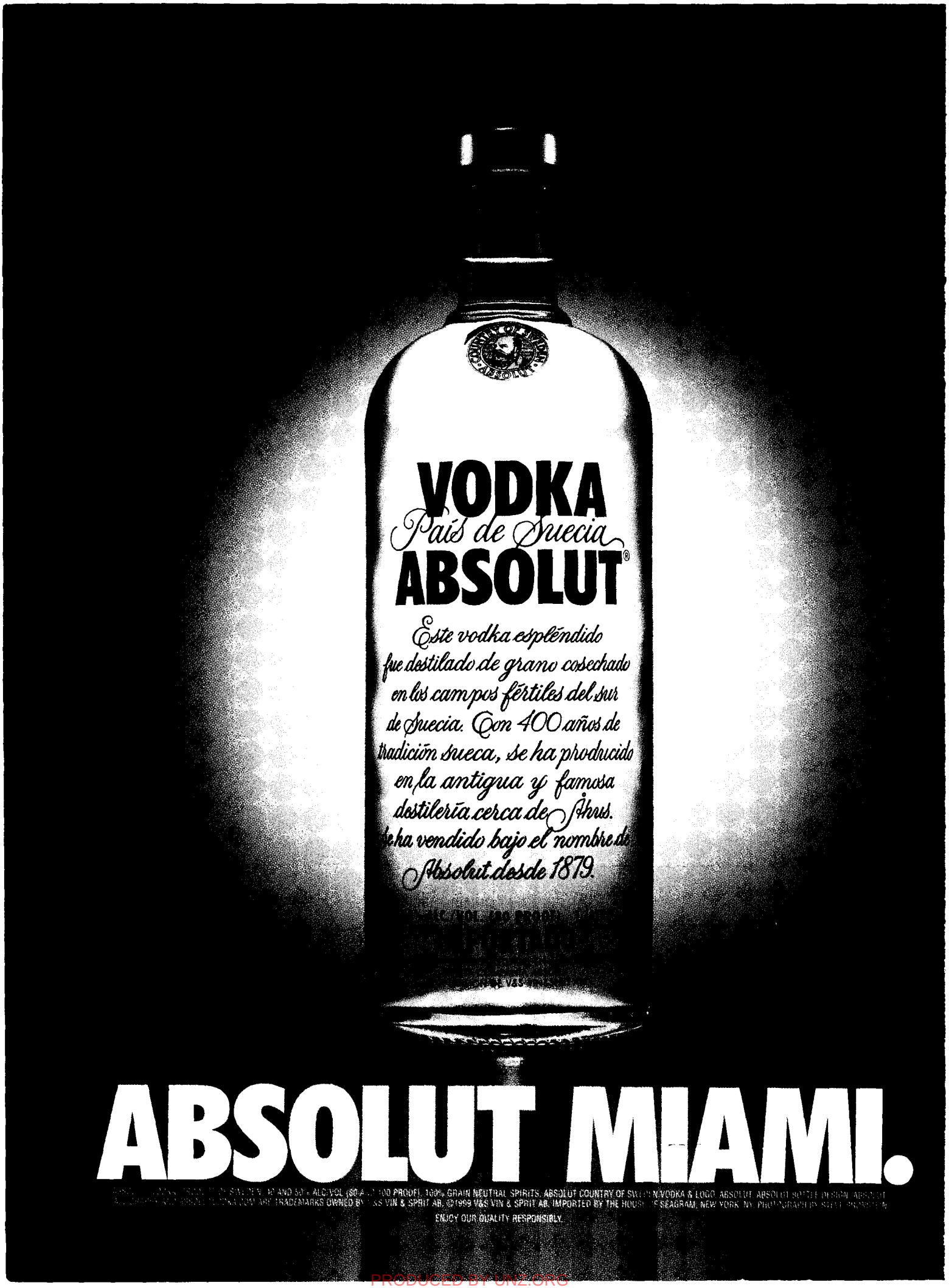

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